

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**please ask for** Mrs E Heaney  
**direct line** 0300 300 4040  
**date** 12 August 2010

## NOTICE OF MEETING

### REGULATION COMMITTEE

Date & Time

**Wednesday, 25 August 2010 9.30 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the REGULATION COMMITTEE:

Cllrs L Birt (Chairman), T Green (Vice-Chairman), D Bowater, I Dalgarno, A Fahn,  
M Gibson, K Janes, H J Lockey, Ms J Nunn, A A J Rogers, G Summerfield and  
P F Vickers

[Named Substitutes:

P N Aldis, R D Berry, Ms C Maudlin, D McVicar, B J Spurr and Mrs C Turner]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS  
MEETING***

## AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute Member appointments.

2. **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements from the Chairman and any matters of communication.

3. **MINUTES**

To receive and sign the Minutes of the Regulation Committee held on 19 May 2010.

(attached)

4. **MEMBERS' INTERESTS**

To receive from Members declarations and the **nature** thereof in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item

5. **PETITIONS**

To receive petitions in accordance with the scheme of public participation as set out in Annex 2 of Part A4 of the Constitution.

6. **PUBLIC PARTICIPATION**

To deal with general questions and statements from members of the public in accordance with the scheme of public participation set out in Appendix 1 to Part A4 of the Constitution.

## REPORTS

Item	Subject	Page Nos.
7	<b>Definition of a vehicle of 'Exceptional Condition'.</b> To make a decision on the wording to be used in order that vehicles can be defined as one of 'exceptional conditions'.	* 11 - 14

8 **Exclusion of the Press and Public**

\*

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the press and public from the meeting for the items of business numbered 9 to 12 inclusive, on the grounds that consideration of the items is likely to involve the disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act.

<b>Item</b>	<b>Subject</b>	<b>Exempt Para.</b>	<b>Page Nos.</b>
9	<b>Application for a Private Hire Vehicle Licence</b>  To make a decision whether or not to grant a private hire vehicle licence to Mr L Moore and Mr S Adams of Turnpike Executive Cars (2009) in view of the age of the vehicle.	* 1, 3	15 - 32
10	<b>Application for a Hackney Carriage Licence</b>  To make a decision whether or not to grant a hackney carriage licence to Mohammed Munsha Shazad in view of the age of the vehicle.	* 1, 3	33 - 52
11	<b>Requirements for drivers of Stretch Limousines to pass a Driving Standards Test</b>  To make a decision on whether or not drivers of Special Events Vehicles (Stretch Limousines) should be exempt from the requirement to pass a Driving Standards Test.	* 1, 3	53 - 58
12	<b>Driving Disqualification and Suspension of Hackney Carriage / Private Hire Driver</b>  To make a decision on whether or not to continue to licence Mr Anthony Watts in view of his driving disqualification and the current suspension of his combined hackney carriage / private hire driver licence.	* 1, 3	59 - 90

13. **RE-ADMITTANCE OF THE PRESS AND PUBLIC**

To consider whether to pass a resolution to re-admit members of the press and public on the grounds that consideration of the remaining item of business is not likely to involve the disclosure of exempt information as defined by Part 1 of Schedule 12A of the Local Government Act 1972.

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
14	<b>Notification to Members of Intention to Adopt Provisions of the Local Government (Miscellaneous Provisions) Act 1982</b>	* 91 - 94

The report proposes to provide 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.

**CENTRAL BEDFORDSHIRE COUNCIL**

At a meeting of the **REGULATION COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 19 May 2010

**PRESENT**

Cllr L Birt (Chairman)  
Cllr T Green (Vice-Chairman)

Cllrs D Bowater  
M Gibson  
H J Lockey

Cllrs Ms J Nunn  
A A J Rogers  
G Summerfield

Apologies for Absence: Cllrs I Dalgarno  
A Fahn  
K Janes  
P F Vickers

Substitutes: Cllr R D Berry (In place of Cllr I Dalgarno)

Members in Attendance: Cllr P N Aldis,

Officers in Attendance: Mrs C Bell Team Leader Public Protection  
Mrs M Clampitt Democratic Services Officer  
Mrs M James Licensing Officer  
Mrs P Letting Licensing Assistant  
Mr M Woolsey Principal Solicitor

REG/09/1 **Chairman's Announcements**

The Chairman informed the Committee that under Committee Procedure Rule CM16 that the order of business would be varied as follows:-

Exempt items 2 – 4 would be considered prior to the non-exempt reports 9 and 10 contained within the agenda.

In addition, it was noted that exempt item 5 had been withdrawn by the applicant due to family illness.

REG/09/2 **Minutes**

**RESOLVED**

***that the Minutes of the meeting held on 24 February 2010 be confirmed and signed by the Chairman as a correct record.***

REG/09/3 **Members' Interests**

(a) **Personal Interests:-**

None.

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

None.

REG/09/4 **Petitions**

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

REG/09/5 **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/09/6 **Exclusion of 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/09/7 **Statement of Policy about Relevant Convictions**

The Committee were advised that the Statement of Policy about Relevant Convictions was attached to the agenda for information and guidance at item 7.

REG/09/8 **Application for the Grant of a Combined Hackney Carriage / Private Hire Driver's Licence**

The Committee received and considered the report of the Licensing Officer concerning the application for grant of a Hackney Carriage/Private Hire Driver's Licence in respect of Mr S Visanji.

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.

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

**RESOLVED**

***that the application for a new Hackney Carriage / Private Hire Driver's Licence for Mr S Visanji 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 remove the licence at any time and that any further convictions could seriously affect continuation or renewal of the licence.***

REG/09/9

**Application for a Private Hire Vehicle Licence**

The Committee received and considered the report of the Licensing Officer concerning an application for a private hire vehicle licence in respect of William Rees of A to B Travel 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 Licensing and Enforcement Officer requested that Members consider the definition of 'exceptional condition'. Members suggested alternative wording which was forwarded to Officers for them to review and report back at the next meeting.

In accordance with the procedures for hearings held in private, the applicant, Team Leader Public Protection and Licensing Officer 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 William Rees of A to B Travel 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.***

REG/09/10 **Application for the Renewal of a Hackney Carriage Driver's Licence**

The Committee received and considered the report of the Licensing Officer Public Protection concerning an application for a renewal of a Hackney Carriage Driver's Licence in respect of Mr N Sabir.

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

The Applicant attended the meeting and made representations in support of the application.

In accordance with the procedure for hearings held in private, the Applicant and all other 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 the Application for the renewal of a Hackney Carriage Driver's Licence be refused in this case under Paragraph 51 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 right to appeal against this decision to the Magistrates Courts and that the appeal must be made within 21 days of written notice of this decision.***

REG/09/11 **Application for Renewal of Private Hire Driver's Licence**

The Committee did not consider the application as the applicant had withdrawn it due to family illness.

REG/09/12 **Advertisements on Hackney Carriages**

The Committee received and considered the report of the Licensing and Enforcement Officer which proposed the permitting of advertisements on hackney carriages, in order to take advantage of current marketing practice, providing no objection being received from the trade.

It was noted that from 1 April 2010 new conditions had been adopted for Hackney Carriages, which included the restriction of no advertising on vehicles. It was noted that Mid Beds drivers had never been permitted to have advertising on their hackney carriages whilst South Beds drivers had been permitted advertising.

Members noted that to permit advertising on the outside of hackney carriages then the conditions should be amended to include the following permitted signage:-



- (a) An inscription identifying the proprietor of the licensed vehicle or the association of proprietors to which he or she belongs, together with a telephone number.
- (b) Advertisements on the outside of the vehicle promoting certain products or companies providing the proprietor has the prior approval of the Council for the content of the advertisement.

Members were happy to approve this wording and allow the decisions to be delegated to Officers, however, members wanted to ensure that clear guidance of what was acceptable had been approved. Therefore it was agreed that a sub committee would be set up with officers and Members reviewing the guidance of acceptable advertisements. The sub committee would include Cllrs Gibson, Green and Summerfield.

### **RESOLVED**

- 1. that the permitting of advertisements on the outside of hackney carriages provided no objection is received from the hackney carriage trade, be approved.**
- 2. that a sub committee work with officers to prepare guidance on acceptable advertisements.**

### REG/09/13 **Petitions received on Fees and Charges**

The Committee received and considered the report of the Licensing and Enforcement Officer which provided information in relation to objections received regarding the new Hackney Carriage and Private Hire fees.

It was noted that at the Executive meeting held on 10 November 2009, the Executive considered and agreed the Fees and Charges for Central Bedfordshire Council for 2010/11. This included Hackney Carriage and Private Hire services. Members were also informed that the fees were determined by the Fees and Charges Members Working Group to bring the North and South onto a level par. The Members Working Group only review certain Fees and Charges in depth each year and due to the size of the organisation, annual reviews are not always possible.

A notice was placed in the Beds on Sunday on 7 March 2010 to notify of the 28 day consultation process. In addition, a letter was sent to all Hackney Carriage and private hire operators, proprietors and drivers on 5 March 2010. Two petitions and one letter of objection were received. The petitions had not met the requirements for submission of a petition as stated in the Constitution.

The fees and charges had to come into effect prior to 4 June 2010 and it was decided that 1 June 2010 would be the date. Drivers had established a Forum which officers and members were invited to attend. The meeting was mutually beneficial and clarification for the review of the fees and charges had been accepted by the drivers.

**RESOLVED**

***that the petitions and objection received in relation to hackney carriage and private hire fees be noted.***

(Note: The meeting commenced at 9.30 a.m. and concluded at 11.45 a.m.)

Chairman .....

Dated .....

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**Meeting:** Regulation Committee  
**Date:** 25 August 2010  
**Subject:** Definition of a vehicle of 'Exceptional Condition'  
**Report of:** Gary Alderson – Director of Sustainable Communities  
**Summary:** To make a decision on the wording to be used in order that vehicles can be defined as one of 'exceptional conditions'.

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**Contact Officer:** Margaret James, Licensing and Enforcement Officer  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

**Council Priorities:**

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

**Financial:**

Fees are payable for this type of licence, the fees being charged represent the cost of the Council of producing this type of licence.

**Legal:**

Local Government (Miscellaneous Provisions) Act 1976.  
Town Police Clauses Act 1847.

**Risk Management:**

Ensuring that Hackney Carriage and Private Hire vehicles operating in Central Bedfordshire are safe and properly regulated.

**Staffing (including Trades Unions):**

There are no staffing implications.

**Equalities/Human Rights:**

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicles, conditions attached to licences ensure that this duty is met.

**Community Safety:**

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of sufficient numbers of taxis is a key component of reducing crime and disorder problems linked to the night time economy and licensed premises. In addition, it is essential to ensure that the public, and particularly more vulnerable members of the community, are not left without safe transport options which may lead them to take decisions which put their safety at risk.

**Sustainability:**

By regulating this service area we can ensure that those businesses that are compliant can be supported and resources can be focused at those businesses that will not comply.

**RECOMMENDATION:**

1. **that the Committee consider defining a vehicle of 'exceptional condition'.**

**Background**

1. The Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.
3. The conditions attached to hackney carriage and private hire vehicles state:  
  
'All new hackney carriages must be under 5 years of age from date of first registration when new'.  
  
'All new private hire vehicles must be under 5 years of age from date of first registration when new'.
4. Any Council which imposes an age limit on its vehicles must be prepared to consider applications where the condition of the vehicle is deemed as being so exceptional as to merit waiving normal policy
5. Applicants aggrieved by a Council's refusal to issue a hackney carriage licence are entitled to appeal to the Crown Court.
6. Applicants aggrieved by a Council's refusal to issue a private hire vehicle licence are entitled to appeal to the Magistrates Court.

7. On 19 May 2010, Members considered an application from a proprietor who wished his vehicle to be classed as one of 'exceptional condition'. A decision was made by Members at that time to allow the application. However, Members were concerned that a suitable criteria should 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.

**Definition of 'Exceptional Condition.'**

8. Each application for a vehicle over 5 years of age from date of first registration will need to be considered on its own merits.
9. It is essential that the image of an exceptional older vehicle upholds the standards normally set by a much younger vehicle.
10. It is necessary to decide the criteria to be taken into account when determining an application for a vehicle of 'exceptional condition' in order to provide a consistent and transparent approach.
11. Members may wish to consider the wording suggested by Cllr Nunn following the Regulation Committee Meeting on 19 May 2010:  
  
'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'
12. If Members do wish to use the wording suggested by Cllr Nunn, Members may wish to consider using the following guidelines for each application:
13.
  - (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 discoloration.
  - (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.

14. Members will wish to know that one application has been received from a private hire proprietor and one application has been received from a hackney carriage proprietor. Both proprietors wish their vehicles to be classed as being in an exceptional condition at the Regulation Meeting today. A decision on the criteria to be used will be necessary, therefore, before their applications can be properly considered.

**Appendices:**

None

**Background Papers:**

None

**Location of papers:**

The Council Offices, Dunstable

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**Agenda Item:**

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**Meeting:** Regulation Committee  
**Date:** 25 August 2010  
**Subject:** Notification to Members of Intention to Adopt Provisions of the Local Government (Miscellaneous Provisions) Act 1982  
**Report of:** Jane Moakes, Assistant Director Public Protection  
**Summary:** The report proposes to provide 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.

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**Contact Officer:** Patricia Davies (licensing & Policy Officer); David McBain (Licensing Enforcement Officer)  
**Public/Exempt:** Public  
**Wards Affected:** ALL  
**Function of:** Council

**RECOMMENDATIONS:**

1. that the Committee note the contents of the report.

**Introduction**

1. The purpose of the report is to provide an update to members in respect of the above mention issue.
2. It is the intention of the Central Bedfordshire Council Licensing team to seek committee approval for the adoption of the schedules of the Local Government (Miscellaneous Provisions) Act 1982, mentioned above.
3. The purpose of the intention to adopt the relevant provisions is to enable the Council to introduce the following:

**Local Government Miscellaneous Provision Act, Schedule 3 – Control of Sexual Entertainment Venues**

4. Adoption of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 will enable the Council to control the licensing of sex establishments.
5. Section 27 of the Policing and Crime Act 2009 has amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, to insert paragraph 2a, to include a new category of sex establishment known as a “sexual entertainment venue”. This gives local authorities powers to control the number and location of lap/pole/table dancing clubs, strip/peep shows, live sex shows and similar venues.

6. Premises which previously provided these facilities as “Regulated entertainment” under the Licensing Act 2003 licences are no longer able to do so and will need a sex establishment licence.
7. Within Central Bedfordshire there are venues that will need to be considered under this legislation.

#### **Local Government Miscellaneous Provision Act, Schedule 4 – Street Trading**

8. Adoption of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 will enable the Council to control the numbers and quality of street traders in the area. The purpose of this is to allow the Council to add vitality and choice to town centres and raise additional income.
9. Street trading is defined as “The selling or exposing or offering for sale of any article (including a living thing) in a street.
10. A street is defined as “any road, footway, beach or other area to which the public have access without payment, and, a service area as defined in section 329 of the Highways Act 1980”.
11. The intention is to make all streets in the area of Central Bedfordshire “Consent streets” – where street trading can lawfully take place with the consent of the Council.
12. At the moment policies are being written and procedures finalised to enable us to put the proposals before the next meeting of the Licensing and Regulation Committee on 17<sup>th</sup> November 2010, with the intention that the schemes can be in place early in 2011.

#### **Conclusion**

13. At future meetings, the Committee will be asked to considered the adoption of the provisions of the Local Government Miscellaneous Provision Act, and, if appropriate, approve the necessary consultation. At tat time a fuller update will be given to members.

<b>CORPORATE IMPLICATIONS</b>
<b>Council Priorities:</b> Increased community safety. Compliance with Central Bedfordshire’s Licensing objectives.
<b>Financial:</b> None. Subject to the cost of advertising. The administrative team who can undertake the work is already in place.
<b>Legal:</b> Compliance with the requirements of the Local Government (Miscellaneous Provisions) Act 1982.



**Risk Management:**

None

**Staffing (including Trades Unions):**

None

**Equalities/Human Rights:**

None

**Community Safety:**

None

**Sustainability:**

None

**Appendices:**

None.

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