

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Wednesday, 26 April 2017

Venue: Executive Meeting Room - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: T M Cartwright, MBE and Mrs K Mandry



1. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENSING - SEAT DETERMINATION

The Panel considered a report by the Director of Planning & Regulation regarding a request that the Panel grant a Hackney Carriage/Private Hire Vehicle licensing exemption from the requirement that 'no seat is to be moved to allow access or egress to other seats'. A copy of the report was circulated with the agenda.

The Licensing Manager reported regarding the application received from Mr Bridgwater requesting that the Panel determine whether the number of passengers licenced for carriage in his vehicle could be increased from 7 to 8.

At the invitation of the Chairman and in accordance with the Council's standard procedure, the applicant addressed the Panel regarding his application and answered questions thereon.

Following submission of his representation, the applicant and the Licensing Manager withdrew from the meeting whilst the Panel considered the application.

After the Panel's deliberations, all parties were recalled to hear the Chairman announce the Panel's decision as follows:-

RESOLVED that the application for the exemption of the vehicle from the requirement that 'no seat is to be moved to allow access or egress to other seats' be refused.

DECISION OF THE LICENSING PANEL REGARDING THE REQUEST FOR VEHICLE EXEMPTION FROM THE REQUIREMENT THAT 'NO SEAT IS TO BE MOVED TO ALLOW ACCESS OR EGRESS TO OTHER SEATS'

The Panel has considered very carefully the application for an exemption, in this case, to the standard conditions which require easy access to doors and prohibit the need to move or climb over seats.

After having heard from the Licensing Manager and the applicant the Panel was shown the vehicle and had the opportunity to see the seat mechanism in operation and assess the amount of space provided and ease of operation. The Panel was referred to a previous decision to allow Licensing Officers the discretion to depart from conditions for another specific vehicle.

After careful consideration of all the facts and evidence the Panel has determined to refuse an exemption in this case.

The Panel paid due regard to passenger comfort and safety and was concerned that the access space created by moving the chair was not as large as when the previous exemption was granted. In the event of an accident the means of escape may be obstructed by a seat that must be tipped. Further, the operation of the mechanism did not appear as easy or straightforward. The Authority would not want to necessarily exclude or preclude an entire type

of vehicle but must put passenger safety especially, but also passenger comfort, to the forefront when making such decisions.

There is a formal right of appeal against the decision to the Magistrates Court within 21 days of formal notification of the decision.

(The meeting started at 10.00 am
and ended at 11.00 am).