

FAREHAM

BOROUGH COUNCIL

Report to Licensing Panel

Date: **26 April 2017**

Report of: **Director of Planning & Regulation**

Subject: **HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENSING –
DETERMINATION OF SEATS**

SUMMARY

This report sets out a representation received from a Hackney Carriage Proprietor regarding the number of seats for which his vehicle is plated. He would like the Panel to exempt his vehicle from the requirement that 'no seat is to be moved to allow access or egress to other seats.'

RECOMMENDATION

That the Licensing Panel considers the representation in conjunction with the published Conditions and decides whether or not to allow the vehicle to be plated for 8 passengers.

INTRODUCTION

1. The Licensing of Hackney Vehicles is undertaken by Local Authorities. Hackney Vehicles are licensed under the Local Government (Miscellaneous Provisions) Act 1976 which, in general terms, allows Councils to licence vehicles which are suitable to be used as a taxi and which have less than 9 passenger seats. Historically, each Council has developed its own set of vehicle licence conditions, which provide a framework for determining vehicle suitability. For example, licence conditions cover issues such as the accessibility of the vehicle, internal condition of the vehicle, luggage space, etc.
2. The local authority can lay down conditions as to the type of vehicle that can be used for hackney carriage or private hire work. These can cover the size, appearance, methods of access and egress, colour, number of seats, number of doors and such specific matters as turning circle and luggage space of the vehicle.
3. Fareham Borough Council Conditions were updated (following consultation with the Trade) in March 2016.

APPLICANT: MR BRIDGEWATER

4. Mr Bridgewater currently has a Hackney Carriage, silver VW Transporter which is licenced until 30 April 2018 for 7 passengers.
5. This vehicle has been licensed with the Authority since December 2010 and was plated for 7 passengers from that time.
6. Mr Bridgewater subsequently requested that Helen Spires re-inspect the vehicle on two separate occasions with a view to increasing the passenger seats to 8.
7. Having regard for the current conditions, she declined Mr Bridgewater's request to increase the number of seats.
8. On the most recent occasion in March 2017, Mr Bridgewater expressed his dissatisfaction with this verdict and requested that the vehicle seating could be decided at a Panel hearing. He sent an email to Helen Spires to this effect. A copy is attached as Appendix B.
9. Currently in the vehicle there are three rows of seats. The rear most row has 3 seats, the middle row 2 seats and the front row 2 seats. This arrangement enables all seats to be accessed freely, without moving any other seats.
10. Mr Bridgewater would like to re-insert a third seat into the middle row. This would mean access to the back row would involve tipping forward a seat in the middle row.
11. Fareham Borough Council Conditions state "only a vehicle with at least four doors will be considered for a licence. The doors must be of sufficient size to allow easy access and egress to seats without the need to move or to climb over seating. This should not require the passenger to use a "static tip-up seat mechanism".
12. Mr Bridgewater has been requested to bring the vehicle so that, should they so wish, the Panel Members can view the vehicle before determining its suitability for 8 passengers.

RISK ASSESSMENT

None

Background Papers:

None

Enquiries:

For further information on this report please contact Helen Spires extension 4411

APPENDICES:

Appendix A – Procedure for the hearing of Appeals by the Licensing Panel

Appendix B – Email from Mr Bridgewater

Appendix C – Photographs

APPENDIX A

PROCEDURE FOR THE HEARING OF APPEALS BY THE LICENSING PANEL

INTRODUCTION

- 1 Where both parties intend to produce documents in support of his/her case they shall exchange documents 7 days prior to the date of hearing and further shall supply copies of these documents to the Council's Licensing Officer not less than 3 working days prior to the date of the hearing.
- 2 By reason of the confidential nature of some types of case heard by the Licensing Panel the public and press may be excluded from the proceedings.
- 3 The applicant will have the right to be accompanied at the hearing by his/her representative, who may present the case for or on behalf of the applicant.
- 4 At the commencement of the hearing, the applicant, or his/her representative and the Council's Licensing Officer, will present to the Panel details of any witnesses to be called.

LICENSING OFFICER

- 5 **The Licensing Officer** will then present the circumstances of the case, as supported by any documentary evidence, and may call witnesses.
- 6 **The applicant or his/her representative** may ask questions of the Licensing Officer and witnesses on any of the evidence presented by them.
- 7 **Objectors to the application** may then ask questions of the Licensing Officer and any witnesses called.
- 8 **The Panel Members** may ask questions of the Licensing Officer and witnesses on any of the evidence presented by them.

APPLICANT

- 9 **The applicant and his/her representative** may present his/her case/submission to the Sub-Committee as supported by any documentary evidence and may call witnesses.
- 10 **The Licensing Officer** may ask questions of the applicant and /or his/her representative and any witnesses on their evidence.
- 11 **The Objectors** to the application may ask questions of the applicant and any witnesses on their evidence.
- 12 **The Panel Members** may ask questions of the applicant and/or his/her representative and any witnesses on their evidence.

THE OBJECTORS

- 13 **The Objectors** will give details of their objections to the application. This may be supported by documentary evidence and witnesses may be called.
- 14 **The Applicant** may then ask questions of the objectors and any witnesses called by the objectors.
- 15 **The Panel Members** may then ask questions of the objectors and any witnesses called by the objectors.

SUMMING UP

- 16 **The Licensing Officer, the applicant and/or his/her representative and the objector** will then have the opportunity to sum up their cases if they so wish.
- 17 **All parties and their witnesses** will then be asked to withdraw from the meeting whilst the Licensing Panel deliberates in private. In the event of uncertainty on any of the evidence, all parties will be recalled regardless of the fact that the point in question may relate only to the evidence of one of the parties.
- 18 When the Licensing Panel has completed its deliberations, both parties will be recalled to the meeting and the Chairman will announce the Panel's decision.