

A MEETING OF THE LICENSING BOARD

WAS HELD ON 17 JULY 2012

The Mayor (Councillor Dickson), Chairman of the Policy and Organisation Board (Councillor Hook) (P), Councillors Allen, Ms Ballard (P), Beavis (Chairman) (P), Carter CK, Mrs Cully (P), Ms Diffey (P), Hazel, Jacobs (P), Mrs Morgan (P) Murphy, Scard (P) and Mrs Wright (P).

15. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of the Mayor and Councillors Allen, Hazel and Murphy for whom Councillors Hook, Mrs Hook and Langdon were substitutes.

16. DECLARATIONS OF INTEREST

There were none.

17. MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing Board held on 6 June 2012 be approved and signed by the Chairman as a true and correct record.

18. DEPUTATIONS

There were none.

19. PUBLIC QUESTIONS

There were none.

PART II

20 APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENSE UNDER EXCEPTIONAL CIRCUMSTANCES

Consideration was given to a report of the Community and Customer Services Manager advising the Licensing Board of an application to renew and extend an existing Private Hire Vehicle license for a vehicle that will be more than 8 years old at the time of the renewal and will not meet the standard conditions.

It was confirmed to Mr Gibson that the two copies of the report he had received were identical and that they were the same report that had been issued to the Licensing Board Members.

The Board was advised that Mr Gibson had taken his vehicle to the Fareham Borough Council's vehicle testing depot where it had been independently assessed by mechanics as being in a satisfactory condition.

The Licensing Officer advised the Board that the system of licensing exceptional vehicles was introduced by the Council in 2008 to allow it to consider applications to licence unconventional PHV's such as stretched limousines and novelty vehicles which would otherwise be precluded because of their age. The Board was advised that these vehicles typically had lower mileages because they were not in constant daily use as a conventional public hire vehicle would be.

Condition 74 was read to the Board as follows; In order to widen the licensing regime without compromising public safety, a system to licence vehicles under the private hire provisions has been adopted. An Exceptional Vehicle is a vehicle that cannot meet one or more of the existing licensing conditions; any licence issued will be subject to an initial application to the Licensing Board for consideration. Any vehicle licensed as Exceptional will be subject to mechanical inspection at intervals of 4 months. The vehicle will be subject to those existing licensing conditions that can reasonably be applied together with any additional conditions identified by the Licensing Board to address the exceptional nature of the vehicle. A significant mechanical history for the vehicle will be required (evidenced by a series of MoT certificates, service history, log books/V5c document etc) to provide a degree of confidence in the condition of the vehicle on initial application.

The Board was advised that the vehicle was registered on 9 September 2003 and that the previous licence had been granted on 7 September 2011 when the vehicle was two days short of being 8 years old. The Board was advised that Mr Gibson was applying to licence the vehicle for an additional year.

Mr Gibson was invited to address the Board. He advised that he was applying for the renewal of a Private Hire Vehicle Licence under exceptional circumstances as his vehicle would not meet conditions 74 and 75 of the Taxi and Private Hire conditions. He advised that his vehicle was more than 8 years old and that the spare wheel carried was made of steel and not aluminium like the rest of the wheels on the vehicle.

Mr Gibson advised the Board that the vehicle had been serviced and MOT'd in line with the requirements of the taxi conditions and that the vehicle had passed inspections and did not present a risk to public safety.

In answer to a Member's question, Mr Gibson advised that the MOT had expired on 6 August 2011 and a subsequent one not issued until 6 September 2011 as the vehicle was off the road having a replacement fuel pump fitted.

Mr Gibson advised the Board that services at every 10000 miles were carried out at his own workshop.

Members queried as to why there appeared to be a 16 month gap between services and what activity the vehicle had undertaken in this period. Mr Gibson advised that this discrepancy was an error with the incorrect year being recorded.

In addition, the Board queried why there were discrepancies between the recorded mileage at a 10000 mile service and at a subsequent MOT test. Mr Gibson advised that the discrepancy must have been an error by the MOT testing company.

In answer to a Member's question, Mr Gibson advised that he undertook contracts for the Ministry of Defence and Hampshire County Council.

The meeting was adjourned at 18.37 to allow Members of the Licensing Board to view the interior and the exterior of the vehicle. The meeting reconvened at 18.49.

It was confirmed to Members that no other Private Hire Vehicle had been given exemption under the exceptional conditions rule.

Members expressed concern at the discrepancies in the vehicle log book and did not believe that there was sufficient justification to extend the Private Hire Vehicle Licence and reminded Mr Gibson that he had the right to appeal the decision at the Magistrates Court.

RESOLVED: That the application for the renewal of a Private Hire Vehicle License under Exceptional Circumstances be refused.

21 REVIEW OF HACKNEY CARRIAGE FARE TARIFF

Consideration was given to a report of the Community and Customer Services Manager advising the Licensing Board of the role of the licensing authority in controlling the Hackney Carriage tariff and of a potential increase to the Hackney Carriage tariff currently in operation and related fees.

The Board was informed of a proposed increase in the maximum level that could be charged and that should it be approved it would be subject to a public consultation, and subject to the results, would come into force on 1st September 2012.

As the 1st September 2012 fell on a Saturday it was suggested that any change in the maximum tariff should come into force from Friday, 31st August 2012.

The Board was advised that as part of the process, the Licensing department had written to the Hackney Carriage plate holders providing them with the opportunity to state their preference as to whether a 3.6% increase to the maximum chargeable tariff should be applied or whether no increase was preferred. 13 letters had been received in favour of the increase and 6 objecting to the increase. The Board was advised that 58 letters had been sent with pre-paid envelopes included for ease of reply. In addition, any comments on the returned forms from supporters and objectors would be read to the Board.

The Board was advised that the return rate was 32.7% and that of those, 68.42% were in favour of an increase.

Mr Cox, the proprietor of Hardway Cabs, was present at the meeting and advised that he was the owner of seven plates and that he had only received one questionnaire. He also informed the Board that he was aware that a number of other drivers were against the increase.

The Board was advised that those plate owners that owned multiple plates were only sent one questionnaire and that the proposed increase was for the maximum fare that could be charged.

Members discussed whether the proposed increase was acceptable given the current financial climate; it was acknowledged that the taxi drivers, as well as the residents of Gosport, had suffered as a result of the current financial climate.

The Board was disappointed with the return rate of the questionnaires. They were advised that the last increase had been in 2010.

Members debated the proposed increase and acknowledged that the formulae used was the fairest and non-political method of calculating any potential increase. The cost of meter recalibration of the 2010 increase was in the order of £25. In addition, vehicles would need to be recalibrated at some point in the near future as Public Holidays needed to be entered into the vehicles' computer systems.

Mr Cox advised the Board that although the proposal was for the maximum fare it was difficult for drivers to charge less as they were required to display tariff cards and that Gosport Hackney Carriages were the most expensive. He advised that work was available for those that were prepared to look for it and that those in favour of the increase generally spent their time queued at the taxi rank.

The Board thanked Mr Cox for his observations.

RESOLVED: That model 1, a 3.6% increase to the Hackney Carriage Fare Tariff be implemented, subject to public consultation, from 31 August 2012.

22. EXCLUSION OF THE PUBLIC

RESOLVED: That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information, for the reasons set out in the report.

23. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE.

Consideration was given to an exempt report of the Community and Customer Services Manager advising the Board of an application for the granting of a Private Hire Vehicle Driver's Licence.

RESOLVED: That the application for a Private Hire Vehicle Driver's Licence be refused.

24. ANY OTHER BUSINESS

The Chairman reminded Board Members that training on licensing matters would be available to all Members of the Council on 31st July at 5pm.

The meeting ended at 7.48 p.m.

CHAIRMAN