

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee held on 20th March 2006 at the Town Hall, Runcorn.

Present: Councillors Pearsall (Chairman), Cole, Cross, Gilligan and Lowe.

Apologies for absence: Councillors Drakeley, D, Inch, Philbin, Tyrrell, E. Ratcliffe and Wainwright.

Absence declared on Council business: None.

Officers present: J. Tully, K. Cleary, J. Findlow and G. Ferguson.

Members of the public: Four.

ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE COMMITTEE

Action

REG71 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – URGENT BUSINESS

The Committee was advised that a matter had arisen which required immediate attention by the Committee (Minute No. REG73 refers). Therefore, pursuant to Section 100B (4) and 100 E, the Chairman ruled that the item be considered as a matter of urgency.

NONE LICENSING ACT 2003 – MATTER TO BE DETERMINED BY THE REGULATORY COMMITTEE

REG72 TAXI LICENSING MATTER

The Committee was advised that Mr. Burgess held a Private Hire Vehicle Licence which related to a blue Peugeot 807 that had been licensed for five passengers.

The Committee considered an application from Mr. Burgess relating to the number of passengers the vehicle could be licensed to carry. The vehicle was currently licensed to carry 5 passengers (excluding the driver).

For MPV style vehicles the Council had a condition that there was approved seat configuration to allow safe access and egress for passengers at all times. (MPV means multi-purpose vehicle in which the seats may be removed or re-configured and which may be wheelchair compatible). Also, the maximum number of passengers

which may be carried by any vehicle shall be determined by the Council. (Private Hire Vehicle Conditions Nos. 2.1.2 and 2.3 – Qualifying Vehicles).

Following consideration of the application the Council's Enforcement Officer noted that the seat configuration of the vehicle would only be five passengers. The seating pattern of the vehicles presented for test was such that access/egress to the rear seats was obstructed. In order to comply with conditions a seat would be required to be removed. This removal would result in the vehicle having five licensable passenger seats.

Mr. Burgess was applying to the Committee to allow six passengers in the vehicle. Mr. Burgess argued that the proposed seat configuration was safe and that the Council could not allow one or two vehicles (Ford Galaxy) to have six passenger seats and his vehicle to have five passenger seats when his vehicle was four inches longer. It was explained to Mr. Burgess that grandfather rights applied to certain vehicles and that current Council policy was clear.

The applicant attended and addressed the Committee in support of his case. In addition, the Committee left the meeting room to view the vehicle.

RESOLVED: That the vehicle is not suitable for six passengers as, with due regard to health and safety, the vehicle would be unsafe for six seats. It was also directed that the relevant rear side (rather than off side) seat be removed to make the vehicle safe for passengers.

REG73 TAXI LICENSING MATTER

The Committee was advised that VIP Logistics Limited trading as Elite North West Chauffeur Service had recently set up in Manor Park, Runcorn. The Company operated solely as a chauffeur service basis and were required to licence their vehicles as Private Hire Vehicles. Although they had not yet made any application to the Council, Elite North West requested that they be permitted to use black cars for the service they provided. In Halton, the conditions required that Private Hire Vehicles should be any colour other than black.

The reason for the Council's criteria on the colour of Private Hire Vehicles was to distinguish between Hackney Carriage and Private Hire Saloon/Estate/Multi-Purpose/Multi-seat vehicles. Purpose built Hackney Carriage Vehicles which were approved by the Public Carriage Office could be painted in any manufacturers colour. The reason for this was that the shape of these vehicles distinguishes them as only being Hackney Carriage.

In addition to the colour difference, all Hackney Carriage Vehicles must be fitted with permanent mounting brackets for the front and rear plates, together with a roof sign and mounting and an approved For Hire sign. Private Hire vehicles must not be fitted with any roof sign or mounting or fitted with a For Hire sign.

It was reported that to operate legally within the Borough the Company required properly licensed drivers and vehicles together with an Operators Licence. None were in place or had been applied for. However, pre-conditions for drivers licence applications were in the process of being complied with.

It was noted that Elite North West Chauffeur Services had moved their place of business from Chester who did not enforce the licensing requirements for chauffeur type vehicles. The company were making efforts to comply with the Council's licensing requests regarding the licensing of drivers vehicles and operators. Pre-application matters relating to prospective drivers were in place and the company confirmed that pending completion of licensing requirements it had ceased taking normal bookings and was acting under the exclusive contracts exemption.

RESOLVED: That the application, when received be approved for three years from the date of this meeting, after which time all vehicles owned by the company be any colour other than black.

Meeting ended at 7.42 pm

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