



LICENSING & APPEALS SUB-COMMITTEE

Thursday, 16 September 2021 at 10.00am

(Online Meeting)

AGENDA

Please note that this meeting will be held remotely and will be livestreamed here:

<https://www.youtube.com/channel/UCdfb6ZRbYnZ1-rRliLmjUwg>

Sub-Committee Membership: Councillors Ireton, Myers and Solloway.

1. **Apologies for absence.**
2. **Appointment of Chairman for the Hearing.**
3. **Declarations of Interest** – Members are invited to declare any interests (including the nature of those interests) they have in the item appearing on this agenda.

(Note: If any of the Sub-Committee's Members believe they may have an interest they are asked to inform the agenda contact officer before the date of the Hearing as the attendance of a replacement Member may need to be arranged.)

4. **Exclusion of the Public** – In accordance with Regulation 14(2) of the Licensing Act 2003 Hearing Regulations 2005 and on account of the fact that exempt information falling within paragraph 7 of Schedule 12A Local Government Act 1972 would be likely to be disclosed during the course of the hearing, the Panel is asked to exclude the press and public from the meeting during consideration of Item 6 (marked \$). The Sub-Committee considers that it is in the public interest to keep such information confidential and the Sub-Committee is satisfied that this outweighs the public interest in disclosing such information.
5. **Request for Condition Attached to Hackney Carriage Vehicle Licence to be Dis-Applied** – The Sub-Committee is asked to determine a request to dis-apply current conditions which are placed upon Vehicle Licences relating to advertising & branding.
- \$6. **Review of Hackney Carriage Driver Licence & Hackney Carriage Vehicle Licence** – The Sub-Committee is asked to determine whether any sanction, warning, suspension or revocation should be given in relation to his Hackney Carriage Driver Licence.

Agenda Contact Officer:

Hannah Scales, Democratic Services and Scrutiny Officer

Email: hcales@cravenc.gov.uk

Licensing and Appeals Sub Committee – 16th September 2021



REQUEST FOR CONDITION ATTACHED TO HACKNEY CARRIAGE VEHICLE LICENCE TO BE DIS-APPLIED – KAREN HAYES – PRIVATE HIRE VEHICLE 016

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To determine a request to dis-apply current conditions which are placed upon Vehicle Licences relating to advertising & branding.

2. **Recommendations** – Members are recommended to:

Consider the information in this report and provided by Karen Hayes by way of attendance at the meeting then make a decision whether or not an exemption will be granted.

2.1 Members may:

- Dis-apply the relevant condition(s) relating to the advertisement of the company on PHV016 registration WV21 XPO
- Refuse the request

3. **Report**

3.1 On 24th July the following request was received.

“I wish to apply to the licensing Manager and the sub committee for approval for signage on my Private Hire vehicle.

We have just had safeguarding week, and 3 of my passengers, who happened to be solo female travellers were reluctant to approach the vehicle (even though I had text them my bus details and registration number) due to it not being sign written or labelled.

I wish to have the signage as in the pictures, and not magnets as these are;

- 1) Expensive and not very good in bad wet weather, they also affect the paintwork in hot weather.
- 2) Have a tendency to be removed by people.
- 3) Don't look as professional as the proposed signage.

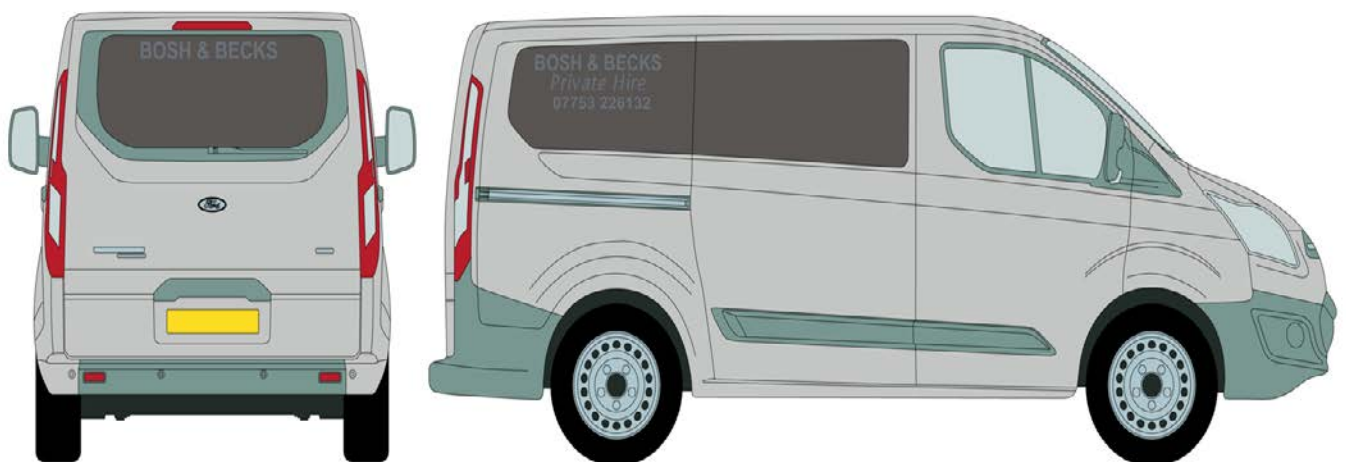
I am a Private Hire Owner Driver, and the licensed operator, I have 1 vehicle, a brand new vehicle, it has the cameras fitted, I am based in Giggleswick, so out of the way of the Hackney areas, and I feel that a professionally done job is paramount to my business, and as mentioned before, essential for the safeguarding of passengers.

I am asking for an exemption from the Appendix O by way of the following,

the signage is to be on the rear window behind the back row of seats, so no visibility is obscured,

the signage is 700mm wide, so not dissimilar to the area covered by a Hackney sign.

The signage will be done by a professional, and will not detract the customers the ability to identify the vehicle. “



3.2 It should be noted the image is for illustration only and the windows will remain compliant with the window tint policy.

3.3 On 1 June 2018, a revised taxi policy came into force which included the following conditions attached to Hackney Carriage Vehicle Licences:-

6.14 Additional Provisions for Hackney Carriage Vehicles Only

Advertisements

Only the telephone number and the name of the company/proprietor will be permitted on the roof signs of Hackney Carriage Vehicles – no other advertisement will be permitted including door signs.

3.4 On 22 January 2019, an additional branding and advertisement policy was approved. This specifically looks at allowing licence holders to be able to make requests for company branding. This part of the policy is attached at Appendix A. It also looks to address requests to be made for an exemption in cases when branding was in place before the new policy was implemented.

4. Current Request

4.1 The Licensing Manager is unable to authorise the signage as it is not restricted to the rear passenger doors only. In addition, the signs cover an area larger than the Hackney Carriage signs.

5.0 Implications

5.1 **Financial Implications** – Karen Hayes can appeal any decision made to Magistrates Court which could entail costs to either the applicant and/or the Council.

5.2 **Legal Implications** – Notwithstanding the policy position, the request must be considered on its particular merits. As detailed in paragraph 5.1 an appeal against any decision not to dis-apply the condition(s) can be made to Magistrates Court.

5.3 **Contribution to Corporate Priorities** – The policy on branding operates to ensure the safety of the travelling public within the District.

5.4 **Risk Management** – None

5.5 **Equality Impact Assessment** - The Council's Equality Impact Assessment Procedure **has not been** followed. The request is to be considered on the particular merits, regardless of the characteristics of the applicant.

6. **Consultations with Others** – None

7. **Access to Information: Background Documents** – Craven District Council Taxi Licensing Policy – adopted 1 June 2018.
Local Government (Miscellaneous Provisions) Act 1976
Button on Taxis: Licensing Law and Practice Fourth Edition

8. **Appendices** –

Appendix A - Advertisement and Branding Policy

9. **Author of the Report** – Tim Chadwick Licensing Manager – 01756 706343
tchadwick@cravenc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Policy in relation to the Branding of Licensed Hackney Carriage or Private Hire Businesses on Licensed Vehicles

In order that branding of licensed Hackney Carriage or Private Hire businesses on licensed vehicles are of a standard type, the following conditions shall apply:-

(a) That company branding on a licensed vehicle may only be allowed if:-

- The branding is displayed on the rear passenger doors of the vehicle only and shall be the same size as the existing Hackney Carriage or Private Hire door signs issued by the Licensing Authority, or will cover a similar area if different in shape; or
- The branding of the vehicle is done by way of a professional wrap of the vehicle which does not detract from the ability of customers to be able to identify the vehicle as either a licensed Hackney Carriage or Private Hire Vehicle and that those signs and plates issued by the Licensing Authority are clearly visible.

(d) That no branding should promote tobacco or alcohol products;

(e) That no branding shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;

(f) That no branding shall be displayed without the written approval of the Licensing Manager;

(f) In the case of Private Hire Vehicles, the proposed branding of the company is to be submitted for approval by the licensed operator not individual vehicle owners;

(g) In the case of Hackney Carriage Vehicle proprietors the proposed branding of the company is to be submitted for approval either by the individual Hackney Carriage Proprietor – if they operate as a trading name in their own right, or:-

If a number of Hackney Carriage proprietors work together collectively as a company from a Booking Office then the request can be made from an individual from that company who is designated in writing and is evidenced as formally the company owner or manager responsible for the day to day running of the business.

(h) That the licensed operator / hackney carriage proprietor submitting a request for any branding approval shall submit a written request as well as copies of any designs of any proposed signs/wrapping to the Licensing Manager for consideration.

(i) In the case of any existing licence holder who has branding on their vehicle which has been professionally wrapped or attached to their vehicle which does not comply with the above requirements or conditions attached to their licence can

make a formal request in writin to the Licensing Manager seeking approval to continue to use such branding until such time as their vehicle is replaced.

If an applicant is aggrieved by the decision of the Licensing Manager to give permission for the branding then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

Exclusion of the Public – In accordance with Regulation 14(2) of the Licensing Act 2003 Hearing Regulations 2005 and on account of the fact that exempt information falling within paragraph 7 of Schedule 12A Local Government Act 1972 would be likely to be disclosed during the course of the hearing, the Panel is asked to exclude the press and public from the meeting during consideration of Item 6 (marked \$). The Sub-Committee considers that it is in the public interest to keep such information confidential and the Sub-Committee is satisfied that this outweighs the public interest in disclosing such information.