

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous

Meeting date: 2 October 2024

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Angie Boyes, Councillor Dr Helen Pemberton, Councillor Julie Sankey, Councillor Simon Wheeler and Councillor Dr David Willingham

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Speaking at Licensing Committee

To find out more about Licensing Committee or to register to speak, please click [here](#) or contact Democratic Services.

Please note: the deadline to register to speak is 5.00pm on the day before the meeting.

Contact: democraticservices@cheltenham.gov.uk

Phone: 01242 264 130

Agenda

1 Apologies

2 Declarations of Interest

3 Application for a Hackney Carriage Vehicle (Pages 5 - 12)

4 Local Government Act 1972

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

5 Review of a Hackney Carriage Drivers Licence (Pages 13 - 30)

6 BRIEFING NOTES

7 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

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- a) The protection of the public;
 - b) The establishment of a professional and respected Hackney Carriage and Private Hire trade;
 - c) Access to an efficient and effective public transport service;
 - d) The protection of the environment.
- 2.4 The Policy will apply in respect of applications, renewals, reviews and transfers in relation to the following licences:
- a) Private Hire vehicle;
 - b) Private Hire driver;
 - c) Private Hire operator;
 - d) Hackney Carriage driver; and
 - e) Hackney Carriage proprietor.

Hackney Carriage Vehicles

- 2.5 The licensing policy in respect of applications for new Hackney Carriages stipulates that the following requirements are applicable (emphasis added):
- a) **Be disabled accessible as per London Public Carriage Office Specification, Eurocab M1**
 - b) Specification or such other nationally accepted specification as is agreed by the Council;
 - c) Be silver in colour (as identified on the vehicle's registration document);
 - d) Be less than 5 years from date of manufacture;
 - e) Comply with vehicle specifications (see Appendix B);
 - f) Be fitted with an approved roof sign bearing the word "TAXI";
 - g) Be compliant with the council's emission standards;
 - h) Be fitted with a meter of an approved type with the fares charged as determined by the Council.

3. Licensing Comments

- 3.1 The committee must determine this application on its individual merits and with a view of promoting the authority's adopted policy. Deviation from the adopted policy must be restricted to exceptional circumstances and must be fully reasoned.
- 3.2 Mr Ali's previously held a saloon Hackney Carriage vehicle licence that he surrendered in advance of the previous (December 21) requirement for all Hackney Carriage vehicles to be disabled accessible. His previous Hackney Carriage vehicle licence was for a different saloon vehicle.
- 3.3 With reference to the above (3.2), the authority's previous policy that aimed to ensure a 100% wheelchair accessible taxi fleet was postponed in December 2021 following further consultation with the licensed trade. An interim policy was adopted (which is still in force) while a more comprehensive review of the Hackney Carriages fleet's future accessibility requirements is undertaken. The consultation on the more comprehensive review recently closed and will be put to Cabinet for full consideration in due course.
- 3.4 Notwithstanding the above, the current policy position is as outlined in 2.5 above and the basis for the committee's considerations.
- 3.5 Having previously held a saloon Hackney Carriage vehicle licence that was surrendered to comply with policy that was subsequently changed, Mr Ali's application is, in principle, to regain his right to a saloon Hackney Carriage vehicle licence.

- 3.6 As already stated, the starting point for **Page 7**tee must be the current licensing policy requirements and the overarching principle of each case on its merits. Within this, the committee has discretion to deviate from adopted policy in cases where there are deemed to be exceptional and justifiable circumstances.
- 3.7 In coming to a determination, the committee must, in addition to the policy, take into account the evidence it hears on the day and any mitigating factors it considers relevant.
- 3.8 Based on the current policy position, the officer recommendation would be to refuse this application.

Background Papers

Service Records

Contact Officer

Louis Krog
01242 775200
licensing@cheltenham.gov.uk

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COMPLAINT Form No.

REG NO: BV20 HAA

PLATE NO: N/A

MOT TEST ON: 11/9/24

LICENSED BY: Cheltenham

Make: Kia Model: Sportage

First Reg: 05 SWN 2020 Mileage: 29836

MOT Exp Date: N/A No. of Seats: 5

Fuel Type: Petrol Colour: Blue

Engine CC: 1591

TESTABLE ITEM	Satisfactory			Nature of Defect
	No	Yes	N/A	
Bodywork - condition				
Damage free	/			
Sharp edges	/			
Cleanliness	/			
Body Fittings				
Faremeter secure?	/			
Tariff card displayed?				<u>For test</u>
Fire extinguisher?	/			
Radio secure?				
External plate fixed on vehicle rear?				
Taxi meter illuminated?				

TESTABLE ITEM	Satisfactory			Nature of Defect
	No	Yes	N/A	
Condition of interior				
Seats	/			
Carpets	/			
Glass	/			
Body Fittings				
First Aid Kit?	/			
HC top light illumination?				/
Luggage restraint	/			
Front window badge displayed?				/
No smoking stickers?	/			

FAIL

Notice of Failure:

For the reasons shown above & per VT30

Because test could not be completed

Warning in my opinion the vehicle is dangerous because of the defects shown above and must not be used for hire or reward until rectified.

Date:

PASS

On 1st Presentation

After Re-test

CHELTENHAM BORO COUNCIL
CENTRAL DEPOT
SWINDON ROAD
VT8 81910

Date:

Garage Embossing

This vehicle has been found to be suitable for use as a private hire or hackney carriage.

Signed: [Signature] Date: 11/9/24 Name of tester: Liam Rawson

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MOT test certificate



Driver & Vehicle
Standards
Agency

① Vehicle identification number
U5YPK816WLL817411

②a Registration number ②b Country of registration
BV20HAA **GB**

Make and model
KIA SPORTAGE

⑤ Vehicle category	④ Mileage	Mileage history	
M1	29,836 miles	29,694 miles	15.08.2024
		11,282 miles	05.07.2023

⑦ **Pass**

③b Date of the test ⑧ Expiry date
11.09.2024 **10.09.2025**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 11.08.2025.

③a Location of the test
CENTRAL DEPOT, SWINDON ROAD, CHELTENHAM, GL51 9JZ

⑨ Testing organisation and inspector name
81910 UBICO LIMITED
L. S. Rawson

MOT test number
3210 3030 7740

Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at enquiries@dvs.gov.uk or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.

Issuer signature

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