

To: Members of the Licensing  
Committee

Date: 12 October 2017

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Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 18 OCTOBER 2017** in **CONFERENCE ROOM 1B, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING**

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTERESTS**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

#### **4 APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE (Pages 7 - 14)**

To consider a report, **including a confidential appendix**, by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of a request from a Hackney Carriage Proprietor to licence a vehicle for the purpose of hackney carriage licensing.

## **PART 2 - CONFIDENTIAL ITEMS**

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information as defined in paragraph 12 of Part 4 of Schedule 12A of the Act would be disclosed.

### **5 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 520509 (Pages 15 - 28)**

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application from Applicant No. 520509.

## **MEMBERSHIP**

### **Councillors**

Hugh Irving (Chair)

Alan James (Vice-Chair)

Joan Butterfield

Peter Scott

Brian Jones

Rhys Thomas

Barry Mellor

Tony Thomas

Melvyn Mile

Huw Williams

Arwel Roberts

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## LICENSING COMMITTEE PROCEDURE FOR THE DETERMINATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE APPLICATIONS AND REVIEWS OF EXISTING LICENSED DRIVERS

STEP	DESCRIPTION
1.	The Chair to welcome and introduce the applicant/licence holder to all parties present.
2.	Solicitor to ask the applicant/licence holder to confirm that he/she has received the report and the Committee procedures. If applicant confirms same, move onto step 4.
3.	If it should occur that the applicant/licence holder states that the report has not been received, then such matter will be addressed at this stage. Members may wish to consider adjourning the matter, for a short period, in order for the applicant/licence holder to read the report.
4.	Head of Planning and Public Protection (or representative) briefly introduces the application/review
5.	The applicant/licence holder is requested to present his/her case  The applicant/licence holder can call any witnesses he/she chooses in support of the application, for which advance notice should have been given to the Licensing Officers.
6.	Committee Members can question the applicant/licence holder and or his witnesses
7.	Technical officers are invited to present any findings (Licensing/Community Enforcement, First Contact Team (Social Services), School Transport.)
8.	The Committee Members followed by the applicant/licence holder can ask questions of the technical officers
9.	The applicant/licence holder will be invited to make a final statement, if they so wish
10.	The following will be requested to leave the meeting whilst the application/review is discussed by Members – the applicant/licence holder, all third parties, Head of Planning and Public Protection, technical officers  NB The only people remaining should be – Committee Members, translator, committee’s legal adviser and the minute taker

11.	The committee members will consider the application/review taking into account the evidence heard
12	Should Committee Members prove it necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the meeting will be invited to return. After the question(s) have been determined all third parties will be asked to withdraw again for Members to consider all evidence.
13.	When the Members have reached their decision, all parties will be recalled and the applicant/licence holder will be informed of the Members decision by the Chairman.
14.	The Chair will inform the applicant/licence holder of the decision reached. This will include any specific conditions or penalties which may have been imposed. If necessary the Council's Solicitor to provide further clarification of the decision and its implications to the applicant/licence holder.
15.	If the decision is to refuse or there is a decision to suspend or revoke, the Council's Solicitor to inform the applicant/licence holder of the right of appeal to the Magistrates' Court (the decision letter will also include these details).
16.	For an existing licensed driver (issued by Denbighshire), and the decision involves a resolution by the Committee to suspend or revoke the existing licence, Members may do so under either: <ul style="list-style-type: none"> <li>1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976.</li> <li>2. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This decision will have IMMEDIATE EFFECT and can only be used when the grounds for suspension/revocation are a public safety matter.</li> </ul> <p>The Solicitor will explain to the licence holder the implications of the decision.</p>
17.	The applicant/licence holder will be informed of the decision in writing as soon as practicable.
18.	The applicant/licence holder will be invited to discuss any matter they are unsure of with Licensing Officers after the Committee

## LOCAL GOVERNMENT ACT 2000

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a \*member/co-opted member of  
*(\*please delete as appropriate)*

**Denbighshire County Council**

**CONFIRM** that I have declared a \***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-  
*(\*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

\*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	18 <sup>th</sup> October 2017
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection Services
<b>CONTACT OFFICER:</b>	Public Protection Business Manager <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706066
<b>SUBJECT:</b>	Application for a Hackney Carriage Vehicle Licence

## 1. PURPOSE OF THE REPORT

- 1.2 To consider a request from Mr. Terry Ledden, owner of Ledden's Taxis in Rhyl and an established hackney carriage proprietor, to licence a vehicle for the purpose of hackney carriage licensing.

## 2. EXECUTIVE SUMMARY

- 2.1 In accordance with delegated authority, licensing officers are able to grant or refuse applications for hackney carriage vehicles that fall within the existing policy.
- 2.2 Whilst officers have delegated authority to grant licences as described at 2.1 above, this does not include vehicles that do not meet the current specification as described in the existing policy.
- 2.3 Having received such a request, Members are therefore asked to consider whether it would be appropriate to deviate from the existing policy on this occasion.

## 3. POWER TO MAKE THE DECISION

- 3.1 Town Police Clauses Act 1847.

## 4. BACKGROUND INFORMATION

- 4.1 Mr Ledden has approached the Council with a view to licensing a number of "new to fleet" vehicles for the purposes of hackney carriage licensing.
- 4.2 The Council's existing policy that was approved by Members in December last year, and came into effect in June of this year, includes a

specific requirement for available legroom, namely, at condition 6.4.1 “*The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the centre of the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.*”

4.3 The vehicles presented by Mr Ledden to Fleet Services on 2 October 2017 are Dacia Logan estate cars and when measurements were made by Fleet Services staff the legroom was found to be 157 mm. The vehicles were therefore rejected.

4.4 Mr Ledden has asked for this decision to be put before Members of the Licensing Committee and has been invited to attend.

## **5 CONSIDERATION**

5.1 When considering this request to deviate from our existing policy, Members should be satisfied that a clear case for deviation has been provided by the applicant.

5.2 The previous policy did not have any specific requirement for minimum permitted space. However, in December 2010 Members approved a guidance document for the Compliance Testing of taxis. Reference to seating in this document states “*Seating- All passenger seats shall have a minimum cushion size of 400mm width and 350mm front to back and be fixed such that a minimum leg room of 660mm is provided, measured from the face of the backrest to the nearest part of the seat in front, measured in a horizontal plane, excepting that where seats face each other, i.e. conference seating, the distance between the faces of opposing backrests shall be not less than 1300mm and the gap between the front edges of opposing seat cushions shall be not less than 425mm. All seats shall have minimum headroom of 900mm measured from the central point of the seat cushion where it meets the backrest, measured in a vertical plane.*”

5.3 The current version of the Policy and Conditions was introduced so as to provide clarity to licensees and consistency of the standard of vehicles being licensed and are relevant to both hackney carriage and private hire vehicles.

5.4 Mr. Ledden has submitted a document in support of his request which can be found at Appendix 1.

- 5.5 Officers have researched the seating requirement for a number of other authorities in Great Britain, including those in the immediate area, and have concluded that there is no national standard or guidance for legroom space allowances. The findings are summarised at Appendix 2.
- 5.6 Members will wish to note that a number of identical or broadly similar vehicles are already licensed and whilst these were approved before the adoption of the current policy they will be nearing their date for renewal or 6 monthly compliance test.
- 5.7 When considering this application, Members will need to balance the interests and opinion of the applicant with the possible implications on the Denbighshire taxi fleet and the potential for an increased number of similar requests from applicants being brought to Members, at future committee meetings.

## **6. RECOMMENDATION**

- 6.1 For Members to consider all the information contained in this report and Members may therefore resolve to either:
- Deviate from the existing policy and approve the vehicle as suitable to be licensed as a hackney carriage vehicle
  - Refuse the request for the vehicle to be licensed as a hackney carriage vehicle.

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By virtue of paragraph(s) 14 of Part 4 of Schedule 12A  
of the Local Government Act 1972.

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Guilford	<p>Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.</p> <p>There must be a minimum of 7 ¼” (18.42 cm) legroom for all passenger seats, measured from the front edge of the seat, to the rear of any seat, dashboard or internal panel in front.</p> <p><a href="http://www.guilford.gov.uk/media/10155/Vehicle-specifications/pdf/Vehicle_specifications.pdf">http://www.guilford.gov.uk/media/10155/Vehicle-specifications/pdf/Vehicle_specifications.pdf</a></p>
East Riding	<p>There must be at least 7 inches between the back of the front seat and the front of the next row of rearward seats.</p> <p>There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.</p> <p><a href="http://www2.eastriding.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=105389">http://www2.eastriding.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=105389</a></p>
North Tyneside	<p>Legroom measured from seat back diagonally to vehicle floor – 92.5cm (37”)</p> <p>Unobstructed space in front of seat measured from seat back – 62.5cm (25”)</p> <p><a href="http://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/VEHICLE%20Spec%2004.pdf">http://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/VEHICLE%20Spec%2004.pdf</a></p>
Dundee	<p>There must be a minimum of 180 mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.</p> <p><a href="https://www.dundee.gov.uk/sites/default/files/Guidance%20Notes.pdf">https://www.dundee.gov.uk/sites/default/files/Guidance%20Notes.pdf</a></p>
Cambridge	<p>Have a minimum legroom for passengers using the rear seats of 8.5 inches, such measurement shall be taken from the rear door pillar to the nearest point of the rear seat squab.</p> <p><a href="https://www.cambridge.gov.uk/sites/default/files/taxi-guide.pdf">https://www.cambridge.gov.uk/sites/default/files/taxi-guide.pdf</a></p>
Crawley	<p>All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers</p> <p><a href="http://www.crawley.gov.uk/pw/web/PUB286926">http://www.crawley.gov.uk/pw/web/PUB286926</a></p>
Knowsley	<p>Rear Passenger Legroom</p> <p>7” [178 mm] min - Front seat fully rearward.</p> <p><a href="http://www.knowsley.gov.uk/pdf/vehicle-test-standards-including-hc-vehicle-approved-types-rules.pdf">http://www.knowsley.gov.uk/pdf/vehicle-test-standards-including-hc-vehicle-approved-types-rules.pdf</a></p>
East Ayrshire	<p>To provide adequate room for passenger’s feet there must be clear floor space in front of the seat of 300mm long, 250mm wide and 80mm high.</p> <p><a href="https://www.east-ayrshire.gov.uk/Resources/PDF/L/LicensingTaxiPHCVehicleSpecifications.pdf">https://www.east-ayrshire.gov.uk/Resources/PDF/L/LicensingTaxiPHCVehicleSpecifications.pdf</a></p>
Somerset	<p>Rear/middle seats - there must be not less than 650 mm (25 ½ inches approx.) unobstructed space between the front surface of seat backs and the back of the seat in front, measured with the front seat located as specified above.</p> <p><a href="https://www.n-somerset.gov.uk/wp-content/uploads/2015/10/vehicle-specification-policy.pdf">https://www.n-somerset.gov.uk/wp-content/uploads/2015/10/vehicle-specification-policy.pdf</a></p>
North Lancashire	<p>shall have a minimum distance between front and rear seats of 203mm</p> <p><a href="http://www.northlanarkshire.gov.uk/CHttpHandler.ashx?id=5536&amp;p=0">http://www.northlanarkshire.gov.uk/CHttpHandler.ashx?id=5536&amp;p=0</a></p>

Tameside	<p>iii) Leg Room Rear Seats - There must be approximately 750 mm (approx. 29 ½ inches), between the front surface of all rear seat backs and the back of the seat in front, measured with the front seat located as described above.</p> <p><a href="http://www.tameside.gov.uk/licensing/privatehire/conditions">http://www.tameside.gov.uk/licensing/privatehire/conditions</a></p>
Sheffield	<p>The minimum leg room available to any passenger shall be 609mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.</p> <p><a href="https://www.sheffield.gov.uk/content/dam/sheffield/docs/business/taxi-licensing/Private%20Hire%20Operator%20and%20Vehicle%20Policy.pdf">https://www.sheffield.gov.uk/content/dam/sheffield/docs/business/taxi-licensing/Private%20Hire%20Operator%20and%20Vehicle%20Policy.pdf</a></p>
Blackpool	<p>There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.</p> <p><a href="https://www.blackpool.gov.uk/Business/Licensing-and-permits/Documents/Taxi-Policy-2016.pdf">https://www.blackpool.gov.uk/Business/Licensing-and-permits/Documents/Taxi-Policy-2016.pdf</a></p>
Cornwall	<p>The minimum leg room available, to any passenger must be 200mm (8 inches). The measurement will be taken from the edge of the seat cushion to the rear of the seat / object in front'. Where there is no seat / object in front the measurement will be taken from the base of the seat to the nearest obstruction in front.</p> <p><a href="http://www.recycleforcornwall.org.uk/media/5830606/Hackney-Carriage-and-Private-Hire-Vehicle-Specification.pdf">http://www.recycleforcornwall.org.uk/media/5830606/Hackney-Carriage-and-Private-Hire-Vehicle-Specification.pdf</a></p>
Hart	<p>Each seat must be of adequate dimensions to seat an adult and provide generous leg room.</p> <p><a href="https://www.hart.gov.uk/sites/default/files/2_Businesses/Licensing_and_permits/Taxis/Hart%20DC%20Exempt%20vehicle%20policy%20Rev1%20July%202016_0.pdf">https://www.hart.gov.uk/sites/default/files/2_Businesses/Licensing_and_permits/Taxis/Hart%20DC%20Exempt%20vehicle%20policy%20Rev1%20July%202016_0.pdf</a></p>
Worthing	<p>All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.</p> <p><a href="https://www.adur-worthing.gov.uk/media/media,139509,en.pdf">https://www.adur-worthing.gov.uk/media/media,139509,en.pdf</a></p>
Basingstoke	<p>There must be at least 28inches distance between the squab of the rear and middle seats and the back of the front and middle seats when all seats are occupied. (Middle rows relates to MPV vehicles only)</p> <p><a href="https://www.basingstoke.gov.uk/content/page/30982/9%20Private%20Hire%20Vehicle%20Specification%20.pdf">https://www.basingstoke.gov.uk/content/page/30982/9%20Private%20Hire%20Vehicle%20Specification%20.pdf</a></p>
<b>Neighbouring Authorities</b>	
Conwy	No policy on minimum legroom
Anglesey	No policy on minimum legroom
Flintshire	No policy on minimum legroom
Wrexham	No policy on minimum legroom
Gwynedd	No information available at the time of preparing this document
Shropshire	No policy on minimum legroom

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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