

SOUTHEND-ON-SEA BOROUGH COUNCIL**Meeting of Licensing Committee****Date: Friday, 19th July, 2002****Place: Civic Suite, Civic Centre**

Present: Councillor Mrs Horrigan (Chairman),
Councillors Baker, Brown, Copley, Garne*, Mrs Holland & Kelly (Part)
*Substitute in accordance with Council Procedure Rule 31 (B)(2)

In Attendance: J. Baker, T. Row, C. Gabell, A. Evans, D. Krieger, P. Bradwell & N. Robbins

Start/End Time: 10.30/14.45

****** Part I****325 Declarations of interest.**

No declarations of interest were made at the meeting.

326 Minutes of the meeting held on 25 February 2002

Resolved:

That the Minutes of the meeting held on 25 February be confirmed as a correct record and signed.

327 Minutes of the Meeting held on Wednesday, 24th April, 2002 10.30 a.m.

Resolved:

That the Minutes of the meeting held on 24 April 2002 be confirmed as a correct record and signed.

328 Review of Hackney Carriage Fares

The Committee considered a report of the Director of Technical & Environmental Services No. DTES 02/139 concerning applications from the Southend Taxi Drivers' Association for an increase in the Hackney Carriage and Private Hire vehicle fares and charges and the introduction of a soiling charge notice to be displayed in licensed vehicles. Spokespersons of the Southend Taxi Drivers' Association and the Southend Hire Car Action Group made representations to the Committee on the proposals. Mr Kavanagh of the TGWU was also in attendance at the meeting.

Resolved:

1. That the proposed revisions of the present Hackney Carriage fare and charges structure as shown at Appendix 1 to the report, at the request of Southend Taxi Drivers' Association, to include a 5% increase in the first charge be approved.
2. That an average 2.29% increase in other fares, as shown at Appendix 1 to the report be approved.
3. That the fare chart shown at Appendix 3 to the report be approved.
4. That a soiling charge notice as detailed at Appendix 4 of the report be included on the fare chart displayed in licensed vehicles.

3. That the Licensees be requested to deliver a notice to residents in Elmer Avenue advising them of the opportunity of contacting the Licensees at all reasonable times in the event of disturbance etc. and that a copy of the notice be supplied to the Council.

331 Date and time of next meeting

Resolved:

That the next meeting of the Committee be held on Friday, 26 July 2002 commencing 10.30 a.m. and that a schedule of meetings of the Committee for the remainder of the Municipal Year be prepared for consideration at that meeting.

Southend-on-Sea Borough Council

Report of Director of Technical & Environmental Services
to
Licensing Committee
on
19 July 2002

Report prepared by : Colin Gabell

Amendment to Hackney Carriage Vehicle Licence Advertising Conditions
(Environmental Scrutiny Committee - Executive Councillor - Councillor Mrs Holland)
A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 Members are invited to consider proposed amendments to the Hackney Carriage Vehicle Licence Conditions to permit rear window advertising.

2. Recommendations

2.1 Members are invited to consider:

- (a) an amendment to Hackney Carriage Vehicle Licence Condition 3.d) to add the words 'or rear windscreen, provided that it does not obscure the view to the rear.'
- (b) an amendment to Hackney Carriage Vehicle Licence Condition 3.h) to add the words 'and provided that no other advertisement appears on the said windscreen.'

- 2.2 Members are invited to agree that officers with delegated powers to approve advertisements do not approve advertisements of a licentious nature, or containing Tobacco, Alcohol or Nudity.

3. Background

- 3.1 On 22 November 2001, a letter was received from the Southend Taxi Drivers' Association proposing that in light of the availability of advertisements in 'contravision' plastic, taxis be permitted, for an agreed period, to trial the advertising in the rear windows of taxis. The letter suggested only one approved advertisement should appear for the trial in an agreed number of taxis and, if the trial proved safe and successful, a report be prepared for the Licensing Committee to approve such rear windscreen advertising.
- 3.2 After consultation between officers, the Chairman and the Portfolio Holder, the proposal was agreed, and since 10 April 2002, 10 licensed Hackney Carriages have carried the advertisement for 'Talk' Nightclub in their rear windscreens (**Appendix 1**). It should be noted that the advertisement covers the whole rear windscreen area, but the contravision plastic allows a clear driver's view through the whole windscreen from inside the taxi. A taxi using the advertisement will be available for Members to view prior to the Committee meeting.
- 3.3 No complaints are known of, either by the Trading Standards Service or the Association, and no safety problems have arisen during the course of the trial. A further letter has been received from the Association requesting Committee approval of this advertising for licensed Hackney Carriages, subject to certain conditions. A copy of this letter is attached at **Appendix 2**.
- 3.4 **Appendix 3** contains a copy of the Council's current Hackney Carriage Vehicle Licence Conditions.

4. Proposals

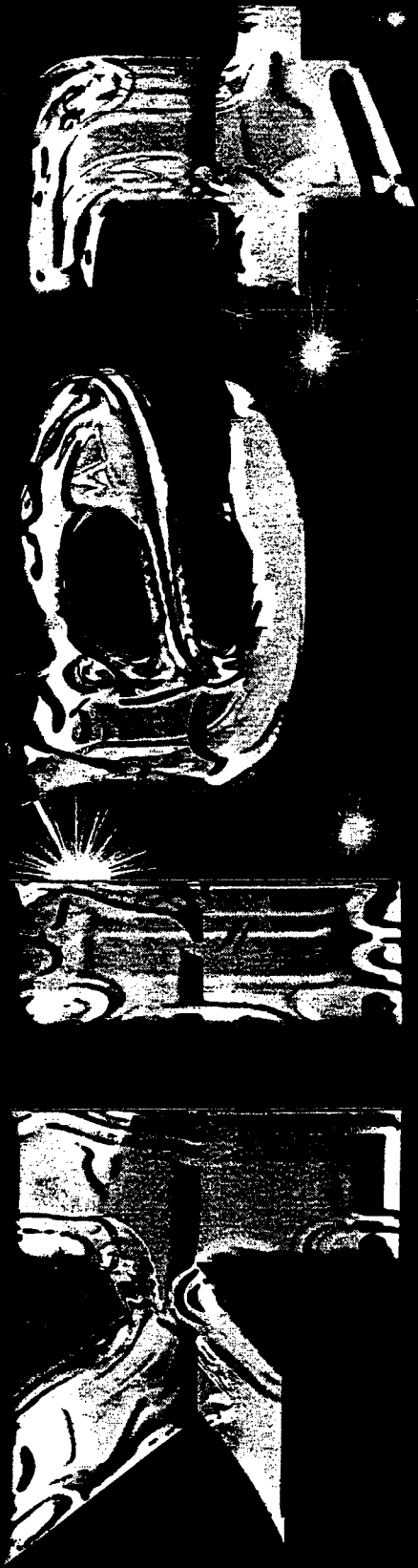
- 4.1 In light of the above, it is proposed that Licence Conditions 3.d) and 3.h) are amended to permit such advertising, as shown at Recommendation 2.1.
- 4.2 It is felt that it is unnecessary to amend the Conditions further, as proposed in the **Appendix 2** letter, as existing Conditions cover most points, although Members may wish to agree with the nature of the advertisements which should be allowed, as shown at Recommendation 2.2.
- 4.3 The proposed amendments relate only to Hackney Carriage Conditions of Licence.

5. Background Papers

- 5.1 Letters from the Southend Taxi Drivers' Association.

6. Appendices

- 6.1 **Appendix 1** - Talk Nightclub advertisement.
- 6.2 **Appendix 2** - Letter from Southend Taxi Drivers' Association dated 22 May 2002.
- 6.3 **Appendix 3** - Current Hackney Carriage Vehicle Licence Conditions.



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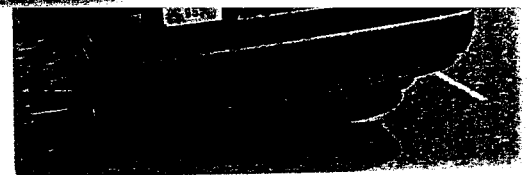
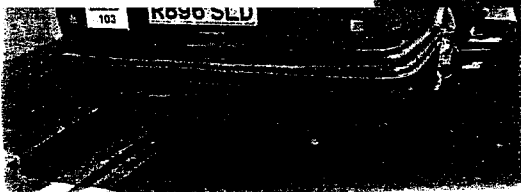
www.talk-nightclub.com

Lucy Road, Southend 01702 467921

CABCASEY TAXI ADVERTISING

Tel: 07931 626 080

P.W. Sutton
36 Lovelace Gardens
Southend-on-Sea
Essex SS2 4NU
Tel: 01702 301822



(HC7)

HACKNEY CARRIAGE VEHICLE LICENCECONDITIONS OF LICENCE

In order that a good and reliable taxi service is provided in the Borough, a person being considered for a Hackney Carriage Licence on the first occasion and subsequently shall:-

1. a) Have a vehicle or possession of a vehicle which is a saloon motor car, hatch back motor car or an estate car which is the subject of a hiring agreement or hire purchase agreement in a form satisfactory to the Director of Technical & Environmental Services providing that the vehicle is not more than five years old when first licensed and not more than eight years old when subsequently licensed (unless a limousine or a specially approved vehicle) which according to the manufacturers specifications has:
 - (i) rear seat accommodation for at least three persons with a minimum of 45.7 cm (18 inches) per person, or if the vehicle is fitted with side impact bars, 43.18 cm (17 inches) per person
 - (ii) separate front seats to accommodate only one person in addition to the driver
 - (iii) four doors
 - (iv) an overall height of not less than 135 cm (53 inches)
 - (v) a length of not less than 432 cm (170 inches)
 - (vi) a rating of not less than 1550 cc
 - (vii) seat belts for all passengers
 - (viii) if the vehicle is an estate car, a substantial protective shield should be fitted to the rear section
- b) Have a purpose built cab or possession of a purpose built cab which is the subject of a hiring agreement or hire purchase agreement in a form satisfactory to the Director of Technical & Environmental Services providing that vehicle is not more than six years of age when first licensed and on subsequent occasions not more than twenty years of age.
- c) submit the vehicle for mechanical examination }
- d) produce appropriate insurance documentation } **WHEN REQUESTED**
- e) produce such documents as the Council may require to provide satisfactory evidence of:-
 - (i) ownership of the vehicle
 - (ii) any arrangements for the use of the vehicle
 - (iii) any arrangements for the letting for hire of the vehicle
- f) have been a licensed Hackney Carriage or Private Hire Vehicle driver for at least three years
- g) live within the Borough of within three miles by road of the Borough boundary
- h) not be a person who would be refused a Hackney Carriage Driver's licence by reason of conviction recorded against him.*

2. Transfer of a Licence

On the application for renewal of a Licence after the transfer of a licensed vehicle from the person to whom the licence was granted, the application will only be granted if:-

- a) the person to whom it was granted had carried on business satisfactorily during the previous five years; and
- b) the person to whom it was transferred (i) complies with the pre-licensing standards applicable to the issue of a Hackney Carriage Licence, and (ii) is not the holder of any other Hackney Carriage Licence.

The above conditions apply to a person entering into a partnership with the person to whom the Licence was granted and to a partner applying for a Licence in his own name after a partnership has been dissolved.

3. Except as hereby required or permitted or otherwise required by law, no advertisement sign or light shall be placed either inside or outside the vehicle.

- a) The plate bearing the number of the licence granted shall be displayed on the outside of the vehicle adjacent to the rear number plate and the number of the licence shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle.
- b) A sign provided by the Council for the purpose of indicating that the vehicle is a licensed Hackney Carriage shall be securely attached to each rear door panel of the vehicle.
- c) A taxi sign not exceeding 36" x 6¼" x 6¼" which shall not be illuminated when the vehicle is not available for hire may be secured to the roof of a vehicle.
- d) Advertisements may be displayed on the outside of front doors or on the boot lid or hatchback door.
- e) An inscription identifying the proprietor or the association of proprietors may be displayed on the boot lid or hatchback door if and only if it does not appear on the outside of the front doors.
- f) Advertisements may be displayed on two panels inside the vehicle provided that the panels are not illuminated.
- g) A for hire flag, the illuminated area of which does not exceed 16 square inches, may be displayed in the bottom left hand side of the front windscreen.
- h) A sign not larger than 4" high and 12" wide identifying the proprietor or association of proprietors may be displayed in the rear windscreen provided that it does not obscure the view to the rear.
- i) The licensee shall obtain the approval of the Council to the type and content of any advertisement hereby permitted before it is fitted or displayed.
- j) The outside of the vehicle shall be clean and free from damage. The inside of the vehicle shall be clean, well maintained and free from damage.
- k) An efficient 1 kg dry powder fire extinguisher shall be firmly fixed in the driver's compartment or boot and shall be easily accessible.
- l) A Licensee who changes the place at which he lives shall notify the Council of such change of address within seven days.
- m) The Licensee shall be a full time Hackney Carriage Driver, earning his living wholly or mainly in the taxi trade.
- n) The Licensee shall be in direct control of the day to day running of the carriage.
- o) The appropriate insurance documents shall be produced within seven days when inspection of these documents is required by the Council.
- p) Convictions, Police cautions or other formal cautions or Fixed Penalty Notices recorded since the completion of the application form for this Licence shall be reported to the Council within seven days.
- q) The Licensee shall, throughout the period of the Licence, comply with the Licensing Conditions and, shall within 7 days of a written request by the Council, provide such documents and other information as may be required by the Council to show compliance with the Conditions of the Licence.
- r) If the Council is satisfied that the Licence has been issued to a person who is not an owner or hirer of the vehicle and the person maintaining the insurance, the taxi meter and all the equipment necessary for the vehicle's use as a taxi, the Council may revoke the Licence and issue a new Licence to a person who is an owner or hirer of the vehicle provided that the owner or hirer complies with all the Conditions of the Licence.
- s) Vehicles failing a mechanical examination for serious body or mechanical defects shall be subject to prohibition by written notice from use as a Hackney Carriage until such time as the defect has been corrected to the satisfaction of the Council.
- t) Vehicle emissions shall comply with MOT standards at all times.
- u) The Licence may be revoked upon the breach by a Licence holder of any of the terms and Conditions of the Licence. **The Conditions may be relaxed by prior approval of the Council in exceptional cases.**
- v) A motor powered Hackney Carriage shall not wait on, or ply for hire on a Hackney Carriage stand reserved for Horse Drawn Hackney Carriages.

* The Council's Hackney Carriage Conditions relating to convictions and cautions are as follows:

- 1) not have accrued more than 12 penalty points during the previous three years
- 2) not have been convicted or received a Police caution or other formal caution for a serious motoring offence during the previous three years
- 3) not have been convicted or received a Police caution or other formal caution for dishonesty during the previous four years
- 4) not have been convicted or received a Police caution or other formal caution of a sexual offence during the previous five years
- 5) not have been convicted or received a Police caution or other formal caution for a serious assault (eg grievous bodily harm) during the previous seven years
- 6) not have been convicted or received a Police caution or other formal caution for a drugs related offence during the previous three years

Previous convictions, Police cautions or other formal cautions or Fixed Penalty Notices for driving offences are applied to all vehicle licences issued or applied for, provided that if the licensee does not drive the licensed vehicle, convictions/cautions or Fixed Penalty Notices relating to driving offences only may be disregarded.

All relevant facts will be taken into account when consideration is given to an application for a Hackney Carriage licence and it may be that additional or higher standards will be imposed. The standards may be relaxed in exceptional cases. A licence will not be issued in the name of a company. An appeal may be brought against the Licensing Conditions within 21 days from the date on which notice of the Conditions is served on the applicant.