



**GREAT YARMOUTH**  
BOROUGH COUNCIL

## **AGENDA**

**for the**

**LICENSING COMMITTEE**

**9 July 2008**

**at 6.00 pm**

**LARGER PRINT COPY AVAILABLE  
PLEASE TELEPHONE: 01493 846325**

**LICENSING COMMITTEE**

To be held in the Council Chamber, Town Hall, Great Yarmouth  
on Wednesday, 9 July 2008 at 6.00 pm

**A G E N D A**

**DECLARATIONS OF INTEREST**

You have a **PERSONAL INTEREST** in a matter being discussed at a meeting IF

- It relates to something on your Register of Interests form; or
- A decision on it would affect you, your family or friends more than other people in your Ward.

You have a **PREJUDICIAL INTEREST** in a matter being discussed at a meeting IF

- It affects your financial position or that of your family or friends more than other people in your Ward; or
- It concerns a planning or licensing application you or they have submitted
- **AND IN EITHER CASE** a reasonable member of the public would consider it to be so significant that you could not reach an unbiased decision.

If your interest is only **PERSONAL**, you must declare it but can still speak and vote. If your interest is **PREJUDICIAL**, you must leave the room. However, you have the same rights as a member of the public to address the meeting before leaving.

**1. MINUTES**

To confirm the minutes of the meeting held on 16 April 2008 (pages 1 - 4) and the confidential minutes of the same date (pages 12 - 13, green paper).

**2. EXCLUSION OF PUBLIC**

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act.

**3. APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE**

... The Licensing and Elections Manager's report is attached (pages 5 –11).

**4. UNIFORM FOR SECOND CLASS HACKNEY CARRIAGE DRIVERS**

The Chairman will give a verbal update at the meeting.

**5. FIRST CLASS HACKNEY CARRIAGE DRIVER'S LICENCE – UNSPENT  
CONVICTION**

... The Licensing Officer's report is attached (pages 14 – 15, green paper).

\* \* \* \* \*

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**LICENSING COMMITTEE**

**16 April 2008 - 6.30 pm**

**PRESENT:**

Councillor Jermany (Chairman); Councillors Barker, M Coleman, Easter, Tate, B Walker, Watts and Weymouth.

Councillor Pettit attended as a substitute for Councillor Holmes.

Ms L Mockford (Licensing and Elections Manager), Mr F Hoyle (Licensing Officer) and Mrs C Webb (Member Services Officer).

Apologies had been received from Councillors Cunniffe, Holmes and M Thompson.

**1. MINUTES**

The minutes of the meeting held on 16 January 2008 were confirmed.

**2. FIRST CLASS HACKNEY CARRIAGE FARES**

The Licensing and Elections Manager explained that the Great Yarmouth Borough Taxi Association had requested a Hackney Carriage fare increase. The proposal would mean an increase over the first mile of 40p to the day rate, 40p to the night rate, 40p to the Sunday rate and £1 to the Christmas and New Year rate. Comparisons had also been made with several other local authorities to ensure that the proposed increase was not excessive.

Members considered the proposal and agreed that this was a fair request.

**RESOLVED:**

That the requested to increase Hackney Carriage fares be approved, subject to no objections being received from members of the public, with effect from 20 May 2008.

**3. FURTHER MOT AND CERTIFICATES OF COMPLIANCES BE NOT REQUIRED FOR HACKNEY CARRIAGE VEHICLE RENEWALS 2008**

The Licensing and Elections Manager informed the meeting that the report should not have been published on green paper but should have been published on white paper as the report did not contain confidential information.

The Licensing and Elections Manager reported that the Committee was asked to consider requests from two plate holders, that they should not be required to have a further MOT and Certificate of Compliance for their Hackney Carriage Renewals for 2008.

It was a condition of all taxi and private hire vehicles, that they should be tested on at least one occasion during the licensing year.

The current policy of the Council was that all vehicles required a Certificate of Compliance Test, which involved an MOT test, carried out on their vehicle. The Certificate of Compliance was a single document which provided all the relevant information about the vehicle, such as the registration and insurance details, which could be produced to an authorised Officer or Police Officer.

All the Certificates expired on 30 April in any year to coincide with the expiry of the vehicle licence. Where vehicles were replaced after 30 April until the end of December, a further Certificate would be required the next April. When vehicles were replaced from January up until 30 April, the Certificate would be issued until the following April.

This meant that some vehicles which have been replaced have had two MOT tests within a year. The vehicles whose certificates lasted longer were still required to have their vehicles MOT tested annually.

Letters had been received from two plate holders, asking that further MOTs and Certificate of Compliances should not be required for their Hackney Carriage Licence Renewals.

They had both replaced cars in December and were complaining that they were required to have a further MOT. Unfortunately, one of the complainants' certificates was incorrectly completed when he replaced his vehicle on 20 December 2006, so they were further aggrieved. He had now presented a further certificate issued on 27 December 2007, unfortunately also completed incorrectly, to renew his vehicle licence.

The Council had accepted that these mistakes were not acceptable and were addressing the matters with Customer Services.

However, we were more concerned that the complainant's vehicle did not have an MOT certificate from 20 to 26 December 2007. Complainant one, stated that he was in possession of a Certificate of Compliance and MOT which was carried out on 7 December 2007. The Certificate of Compliance expired on 30 April 2008 and the MOT expired on 6 December 2008.

The second complainant was in possession of a Certificate of Compliance and MOT which was carried out on 27 December 2007. The Certificate of Compliance expired on 30 April 2009 but should expire on 30 April 2008, the MOT expired on 26 December 2008.

The Licensing and Elections Manager reported that the Council accepted that the current policy could be confusing for taxi operators if they replaced their vehicles during the licensing year. The Licensing Department had recognised that the current vehicle licensing conditions needed to be reviewed and the frequency of testing vehicles was an area which had been identified for review, as most authorities tested on more than one occasion during a year.

The Chairman proposed that a review of the current licensing requirements and conditions be undertaken and the subsequent report brought back to the Licensing Committee. The Licensing and Elections Manager pointed out that policy matters, including conditions, was a Cabinet function delegated to Head of Central Services. However, a report for information would be sent to Licensing Committee as part of the review process.

A member stated that the committee had no alternative but to consider these requests under the current set of guidelines. He felt that the Committee had little option but to refuse the requests and ask that the Licensing Department review the matter in due course.

**RESOLVED:**

(i) That the requests be refused.

(ii) It was recommended that the Head of Legal Services be asked to review the current vehicle licensing conditions and the frequency of testing vehicles.

#### **4. UNIFORM FOR SECOND CLASS HACKNEY CARRIAGE DRIVERS**

The Licensing and Elections Manager informed the meeting that a meeting had been held with the Landau Owners Association to discuss the possibility of a uniform being adopted by the Landau Owners who operated along the Great Yarmouth seafront.

It was proposed that the uniform would consist of a dark shirt, dark trousers, a dark fleece jacket to be worn in cool weather, a polo shirt to be worn in the warm weather and a navy blue overcoat. Operators had been asked to give a written understanding that they would wear the uniform this season and to date four operators had replied. However, a request had been received that white shirts be allowed as part of the uniform.

A Member was concerned that the uniform would be let down by inappropriate footwear. He suggested that the uniform should include a smart pair of shoes.

The Chairman informed the meeting that the footwear issue had been approached advising operators they needed to comply with health and safety requirements.

The Licensing and Elections Manager informed the meeting that the process of adopting new conditions for drivers was a lengthy process as it had to be done by adopting a local byelaw. However, she felt the matter could be pursued initially on a voluntary basis.

**RESOLVED:**

That the Committee noted the report and agreed to the inclusion of a white shirt as part of the uniform.

#### **5. EXCLUSION OF PUBLIC**

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act.

#### **6. POSSIBLE SUSPENSION OF A HACKNEY CARRIAGE DRIVER'S LICENCE**

The Licensing and Elections Manager reported that an incident had occurred which affected the licence of a First Class Hackney Carriage Driver.

**RESOLVED:**

That the licence for a Hackney Carriage Driver be suspended until the expiration of the court procedure which would take place on 28 April 2008.

**(Confidential Minutes on this item)**

**6. CLOSURE OF MEETING**

The meeting closed at 7.35 pm.

Subject: Application for a private hire licence

Report to: Licensing Committee

Date: 9 January 2008

Report by: Licensing and Elections Manager

**SUBJECT MATTER AND DECISIONS REQUIRED:**

**Members are asked to consider an application for a private hire vehicle licence from Mr. Mark Colman to licence a limousine.**

**Background**

1. The popularity of hiring limousines for special occasions has increased dramatically. In the past, they were mainly used for weddings and funerals which are exempt from private hire licensing. However, bookings are now taken for hen/stag parties, school 'prom' nights, a day at the races, etc.
2. Many licensing authorities have been reluctant to license stretch limousines because of their size and the fact that they are imported, left hand drive vehicles with tinted windows. However, many now license these vehicles rather than have them operate unlicensed in their districts. The Department of Transport best practice guidance for taxi and private hire vehicles states that such vehicles have a legitimate role to play in the private hire trade and applications should not be automatically rejected because the vehicles cannot comply with current conditions.
3. 90% of all stretched limousines are converted from Lincoln Town Cars. These vehicles cannot be safely stretched unless the original fittings (i.e. rear brake drums, tyres, etc.) are removed and replaced with heavy duty items. The Ford Motor Company and the Cadillac Motor Company have introduced assessments to approve vehicle converters. These are known as the Quality Vehicle Modifier (QVM) and the Cadillac Master Coachbuilder (CMC) Schemes.
4. The DOT suggests that the licensing authorities may wish to ensure that such vehicles comply with the Single Vehicle Approval (SVA) inspection regime. The SVA test is a pre-registration engineering assessment that verifies the converted vehicle is built to certain safety and environmental British standards and can only be used to approve passenger cars seating up to 8 passengers plus the driver. Larger limousines are not suitable for the SVA scheme.

**Great Yarmouth Borough Council's Policy**

5. Great Yarmouth Borough Council has adopted the following pre-licensing requirements to cover vehicles that have been 'stretched' to carry up to eight passengers:

In the case of a stretched limousine, or American stretched limousine, where the vehicle is constructed or adapted to seat up to 8 passengers, the following pre-licensing requirements will apply:

- The vehicle must pass a Single Vehicle Approval inspection of its design and construction at a Vehicle Inspectorate testing station. The Approval Certificate or Certificate of Compliance must be presented to this Authority, together with its DVLA registration document (V5) and evidence of the date of manufacture of the vehicle.
- The Licensing Authority will require proof the 'stretch' was performed by the manufacturer or by a Coachbuilder approved by the vehicle manufacturer i.e. American Limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- The Licensing Authority will require, where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- The vehicle shall be equipped with a minimum of four road wheels and a full sized spare wheel. The tyres shall be designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.
- All seats shall be fitted with seat belts which must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
- Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
- The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 3048mm/120".
- For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 423mm (16 2/3 inches). In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

In addition to the above, the vehicles are subject to the Council's general vehicle policy not to accept vehicles for licensing which exceed nine years of age on initial registration or renewal and must also pass a certificate of compliance test to ensure the roadworthiness of the vehicle.

### **Current Application**

6. Mr. Mark Colman of 15 Lapwing Drive, Bradwell has applied for a private hire vehicle licence for a Ford Lincoln Town car (application form attached).
7. The vehicle was first registered on 8 November 1997 so it is more than nine years old. Mr Colman has not been able to produce SVA or QVA certificates and the rear facing and side seats of the vehicle are not currently fitted with

seat belts. Therefore, the vehicle does not meet our licensing criteria.

8. Officers have met with Mr Colman on several occasions as he is keen to register his vehicle and wants to ensure that he is operating legally. He has submitted a report on the chassis extension (attached) and also had his vehicle tested at Waveney District Council's MOT testing station. This was arranged as officers felt that the testing stations used for existing taxis and private hire vehicles, did not have the expertise required for the testing of these specialist vehicles.
  
9. Although the vehicle failed the certificate of compliance test it failed for cosmetic reasons only. It has been reported that the vehicle is mechanically sound and has been well maintained throughout the life of the vehicle. The vehicle has also been checked to ensure that the manufacturer stretched the vehicle in accordance with the QVM standards. Mr Colman has indicated that he is willing to install lap belts in the vehicle in order to comply with licensing requirements.

### Recommendations

- That the licence be granted subject to the vehicle passing the recommended certificate of compliance test for limousines. This would include two further spot checks during the licensing year.
- That the Head of Central Services be requested to adopt the same testing standards for any further applications for private hire licences from limousines or special event type vehicles.
- That the MOT station at Waveney District Council be authorised to carry out the testing of limousines and other special event type vehicles on behalf of the Licensing Authority.

Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered?	Issues	
	Legal	Yes
	Financial	
	Sustainability	
	Equality	
	Crime and Disorder	
	Human Rights	
	Risk Considerations	Yes

LIMOUSINE



GREAT YARMOUTH BOROUGH COUNCIL

Official Use Only	
Receipt Number:	
Fees Paid:	Plate Number

Application for Licence of a Private Hire Vehicle  
Local Government (Miscellaneous Provisions) Act 1976

1. Full name of Licence Holder..... Mark Colman

2. Applicants mobile phone number: ..... [REDACTED]

3. Business Address..... 15 Lapping Close  
Bradwell Ct Yarmouth

Postcode..... NR31 8SF..... Mobile/Telephone No.....

4. Home Address:(if different from above).....  
.....

Postcode..... Mobile/Telephone No.....

5. Company Name and Address (if applicable).....  
.....

Postcode:..... Mobile/Telphone.....

6. Are you the sole owner of the vehicle?  YES  NO (please delete as applicable).

If no state your interest in the vehicle.....  
.....

and details of all other persons with an interest in the vehicle:

Name.....

Address.....

Interest.....

(b) Vehicle Details

Make of vehicle Ford Model LINCOLN TOWN CAR  
Engine capacity 4600 cc Colour White  
Registration Number P47 UN9 No. of seats 8 + DRIVER  
Date of first registration 8.11.97 Body Style: AMERICA stretch limo  
Name and address of insurance company.....  
Direct Chauffeur line LTD  
21/4CF1040770SS126  
Insurance certificate no. 011KS Date of expiry 28/10/08  
Vin Number: (can be found on Registration Document) 1LNLM81W7VY681250  
Engine Number: (can be found on Registration Document) .....

**Please note:**

**Any change of vehicle details must be reported immediately to the Head of Central Services, Licensing Section, Town Hall, Great Yarmouth. NR30 2QF**

**NOTES:**

1. (a) All convictions must be disclosed.
- (b) Spent convictions, as defined overleaf need not be included.

**Autotune**  
1 Lancaster Road  
Great Yarmouth  
Norfolk

11/06/08

The vehicle a ford Lincoln town car stretched to a limousine  
Reg No. p47ung  
Chassis No. 1nlm81w7vy681250

I have been asked to inspect and report on how the chassis extension has been carried out and the safety of the extension I am Mr. R H Kitchen my qualification to Carry out this report is city and guilds in heavy motor vehicle studies and chassis technology

The chassis has been extended using two separate chassis the first was cut just behind the driver's compartment, the second chassis was cut behind the front A frames the two chassis were then slid in side each other drilled and bullet welded, and the exposed end has then been seam welded all the way round. The advantage of this method is there is only one joint and it is at the front of the vehicle, therefore there is less strain on the join and only one weld I have included a diagram to show how this was done, it is the same method used to day by Colman Minster and is considered the only safe way to stretch a car.



R h kitchen

