

5/15 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillor Bambridge was in attendance.

6/15 HEARING PROCEDURES (AGENDA ITEM 6)

The Chairman introduced Members and Officers to Mr Garner and explained the procedures.

7/15 APPLICATION FOR A BRECKLAND PRIVATE HIRE VEHICLE LICENCE - EXECUTIVE VEHICLE (AGENDA ITEM 7)

The Committee heard the application in accordance with the Council's agreed procedures.

The Hearing took place in the presence of the Appellant Mr Garner, a Licensing Officer and Mrs Y Blake, the Council's Solicitor.

The Licensing Officer presented the report. The vehicle did not comply with three Policy requirements and Members were asked to consider whether an exception to Policy should be made in this case.

Mr Garner (Appellant) explained that he had bought the car to compliment his existing bed and breakfast business. He had not known about the ten year rule. The car had been to two different garages and had passed its MOT and complied with other Policy requirements. Although it was over ten years old it was in pristine condition and had a clean bill of health. He did not consider that being a left-hand drive vehicle would cause problems. It was perfectly safe and extra care would be taken when overtaking which was only likely to happen on a dual carriageway. His intention was to trial the car for twelve months to see what sort of demand there would be for it. He would be the only driver initially and it would be used mainly for weddings and special events and for guests at the bed and breakfast.

In response to a question he advised that six flats and apartments for two to four people each and a couple of rooms in the main house comprised the bed and breakfast accommodation. The car could carry up to seven passengers – three forward-facing in the back, three rear-facing in the back and one forward-facing alongside the driver. The car had no side facing seats.

Councillor Richmond asked if it was standard for rear-facing seats not to have seat belts. Mr Garner had thought that rear facing seats did not require seat belts and that in the event of an accident passengers would not 'be going anywhere' due to the size and construction of the seats. The Officer read from the VOSA guidance on stretch limousines which said that depending on the size and age of the vehicle there was no legal requirement for seat belts for side facing seats, but seat belts should be fitted for front and rear facing seats.

Councillor North asked about the doors to the rear seats and was advised that there was sofa style seating facing each other with the access doors between them.

Further questions were asked about the MOT results; where the vehicle would be kept; what breakdown cover it had; when the stretch had been performed and when the vehicle had first been licensed in the UK.

Members then went outside to view the vehicle.

When they returned Mr Garner reiterated that the car was in very good condition and that many taxis would have done twice as many miles, so its travelling age was much younger than its actual age. He wanted to trial the use of the car for up to twelve months to see if such a service was required and if it was a 'money-maker' he would consider upgrading and if viable, employing a driver.

The Officer asked Mr Garner if the vehicle had been to a weighbridge and he confirmed that it had not. He was also asked if he intended to sell or supply alcohol. He confirmed that he did not intend to do so, but that on certain occasions, such as weddings, he might allow its consumption in the vehicle. He had not given the matter much thought but if young people were involved he would not allow it.

The Chairman asked about the screens between the driver and passengers, one of which was completely opaque, and Mr Garner confirmed that the driver could control their use and he would leave the screens down.

The Applicant, the Licensing Officer and Councillor Bambridge then left the room whilst the Committee discussed the matter. They were then invited back into the room and the Solicitor read out a summary of their decision.

RESOLVED to refuse the request for an exemption to the Breckland Council Taxi Licensing Policy in relation to a Private Hire Vehicle licence for a limousine for the following reasons:

- (1) not all seats had seat belts and the Committee had to protect the public and ensure their safety at all times; and
- (2) the vehicle was 19 years old which was considerably in excess of the Policy limit of ten years old.

The decision had been unanimous.

Mr Garner was advised of his right of appeal and the Chairman noted that he could still use the vehicle for weddings and funerals as no licence was required for those uses.

8/15 NEXT MEETING (AGENDA ITEM 8)

The arrangements for the next meeting on 18 February 2015 at 10.00am in the Norfolk Room, Conference Suite, Elizabeth House, Dereham were noted.

The meeting closed at 11.15 am

CHAIRMAN