

Nottingham City Council

Regulatory and Appeals Committee

Minutes of the meeting held at LB 31-32 - Loxley House, Station Street, Nottingham, NG2 3NG on 3 February 2020 from 11.32 am - 11.51 am

Membership

Present

Councillor Toby Neal (Chair)
Councillor Samuel Gardiner
Councillor Jawaid Khalil
Councillor Angela Kandola
Councillor Chantal Lee
Councillor Gul Nawaz Khan
Councillor Dave Liversidge
Councillor Shuguftah Quddoos
Councillor Nick Raine
Councillor Mohammed Saghir
Councillor Roger Steel
Councillor Adele Williams
Councillor Linda Woodings

Absent

Councillor Cheryl Barnard
Councillor Maria Joannou

Colleagues, partners and others in attendance:

Ann Barrett - Legal Team Leader, Planning and Environment
John Davis - Taxi Licensing Compliance Manager
Angela Rawson - Licensing Manager
Lorraine Raynor - Chief Environmental Health and Safer Housing Officer
Kate Morris - Governance Officer

10 Apologies

Councillor Cheryl Barnard – Leave
Councillor Maria Joannou – Personal

11 Declarations of interests

None.

12 Minutes

The minutes were confirmed as a true record of the meeting and were signed by the Chair.

13 Application for renewal of Hackney Carriage Vehicle Licence

Angela Rawson, Regional Licensing & Policy Manager introduced the report outlining an application for renewal of a Hackney Carriage Vehicle Licence 061534 (plate H151). The application was brought before the committee to determine whether in this instance the licence should be renewed and whether good reason(s) existed for the Council to depart from its policies. She highlighted the following points:

Regulatory and Appeals Committee - 3.02.20

- (a) There are a number of strategies and policies in place to ensure that private hire and Hackney carriage vehicles are safe, suitable and sustainable within Nottingham. From 1 January 2020 all new and renewed licenced vehicles must be either Euro 6 Diesel or Ultra Low Emission Vehicles (ULEV);
- (b) The applicant held a licence for a vehicle first registered in May 2007, that licence expires on 3 February 2020;
- (c) The applicant has provided copies of orders, and deposit payments for a compliant vehicle, ordered in good time, but due to delays with manufacture the vehicle is not going to be available for delivery until March 2020;
- (d) Ordinarily the applicants renewal application would be refused as the vehicle does not meet the Council's current policy and specification which applies from 1 January 2020. Were a refusal to be made, the existing vehicle could be used for either 21 days to or allow for an appeal, or, if such appeal was made until such time as that appeal was determined. If no appeal was lodged then the vehicle could not be used and the applicant would not be able to work resulting in a loss of income. The existing vehicle has recently passed its DVLA MOT with no issues;
- (e) Air Quality colleagues had been consulted and considered that a short extension to the licence for the original vehicle would have minimal impact on air quality, and would be compensated for by the future use of the electric vehicle currently on order;

The following points were made during discussion:

- (f) The applicant had made a commitment to buy a policy compliant vehicle and as such is making an investment in the health of the citizens of Nottingham and in the environment for the benefit of the city;
- (g) As the delay was down to the manufacturers delay a degree of flexibility could be applied;
- (h) The Committee were supportive of a delegation of authority to renew licences in similar circumstances where definitive proof of an order for a policy compliant vehicle made in good time before the expiry of an existing licence could be provided. They also felt that the duration of the extension should be delegated to Officers to enable them to take into account the forecasted delivery date, with the provision that if a second extension was required for reasons that were not attributable to manufacturing delay that the matter would revert to the Committee.

Resolved to

- (1) Renew the Hackney Carriage Vehicle Licence Number 061534 and to delegate authority to determine the duration of the renewed licence to the Chief Environmental Health Officer, Operations Manager – Safer Business, Regional Licensing & Policy Manager and the Taxi Licencing Compliance Manager of the renewal; and**
- (2) Delegate authority to the Chief Environmental Health Officer, Operations Manager – Safer Business, Regional Licensing & Policy Manager and the Taxi Licencing Compliance Manager to:**
 - (i) grant renewals of licences in departure from policy in similar circumstances, namely where the driver can prove they have ordered and paid the deposit for a policy compliant vehicle prior to the expiry of their existing licence date but that vehicle is not available due to the manufacturer's delay.**

- (ii) determine the duration of the renewed licence bearing in mind the forecasted delivery delay; and**
- (iii) if necessary, to grant subsequent renewal(s) where the reasons for a policy compliant vehicle not being presented for licensing were solely due to manufacturer delay.**