

## LICENSING COMMITTEE

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### DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 15 DECEMBER 2009 AT COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

#### **Present:**

Cllr Richard Beattie, Cllr Rod Eaton, Cllr Jose Green, Cllr Jon Hubbard, Cllr George Jeans, Cllr Bill Moss, Cllr Nina Phillips and Cllr Bill Roberts

#### **Apologies:**

Apologies were received from Councillor Mrs D Allen, Councillor Mrs P Dow and Councillor M Griffiths.

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#### 15. **Minutes**

The minutes of the meeting held 5 November 2009 were confirmed as a correct record and signed by the Chairman.

#### 16. **Chairman's Announcements**

There were none.

#### 17. **Declarations of Interest**

None were declared.

#### 18. **Public Participation**

Mrs Frances Mackay (Applicant) was present at the meeting and indicated that she wished to address the Committee regarding the Private Hire Car Licensing item on the Agenda. The Chairman confirmed that he would hear from Mrs Mackay when the Committee were discussing this agenda item.

## 19. Minutes of the Licensing Sub-Committees

The Committee received the minutes of the Licensing Sub-Committee meetings held in the Southern Area on 3<sup>rd</sup> November 2009.

### Resolved:

That the minutes be received and noted.

## 20. Private Hire Car Licensing

The Chairman circulated copies of photographs to the Committee of examples of different motorised trikes which would be included within the realms of any licence granted.

The Licensing Officer outlined the details of the application and explained that the Committee was being asked to consider the request for the licensing of a motorised trike as a private hire vehicle and to include additional conditions for the safety of its users.

Mrs Mackay addressed the Committee and requested that the proposed condition for all passengers, including the driver to wear a helmet be reconsidered as this was not required under the law of the Road Traffic Act. She stated that five other counties have licensed similar vehicles and not included the condition that helmet should be worn by all passengers.

The Licensing Officer reported the view that under the Health and Safety at Work Act, 1974 the driver as a minimum should be required to wear a helmet as it should be deemed to be a piece of protective work equipment.

It was highlighted by the legal representative that there would need to be the usual exemptions i.e. religious groups that could not be enforced to wear a helmet.

### Resolved:

**That a Motorised Trike be incorporated (with the existing conditions, and additional conditions detailed below) as a private hire vehicle.**

### Additional Conditions:-

#### **P40 Motorised Trikes**

**In relation to these conditions, certain exemptions or restrictions apply with regard to motorised trikes. These vehicles are defined as:-**

**A three-wheeled vehicle, with the capacity to carry up to 3 passengers excluding the driver. It is an adaptation of a two-wheel motorbike,**

widened to the rear for carriage of passengers side by side behind the driver. All passengers are carried at the risk of being exposed to the elements as there is no roof/canopy or doors to the vehicle.

The purpose of these conditions is to protect public safety. They apply in addition to the Authorities standard conditions for private hire vehicles.

#### **P41 Trike Tyres**

The vehicle should be equipped with 3 road tyres, but is not required to carry a spare tyre due to lack of carriage facilities.

#### **P42 Trike Seatbelts**

All seats provided for the use of passengers must be fitted with seatbelts in accordance with the current Road Vehicle (Construction and Use) Regulations.

#### **P43 Passengers carried in Trikes**

- All passengers must remain seated and wear a seatbelt when the vehicle is in motion.
- Any child carried must be over 135cms in height.
- Any child under the age of 16 years must be accompanied by an adult.

#### **P44 Protective Clothing**

All drivers will be required to wear: -

- A helmet, compliant with Safety Standard ECE 22.05. This requirement does not apply to drivers who wear headwear due to their religion

All passengers shall have provided, if they so wish to wear: -

- A helmet, compliant with Safety Standard ECE 22. 05
- Hygienic hair covers to be worn under the helmet.

All passengers will be required to wear: -

- Eye protection glasses, compliant with European Directive 89/686/EEC.

**P45 Fire Extinguisher**

**Operators of trikes will not be required to carry a fire extinguisher.**

21. **Urgent Items**

No urgent items were considered.

**PART II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

**NONE**

(Duration of meeting: Times Not Specified)

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