

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 18 March 2020** at **9.30am** when there were present:

Mrs S C Gurney (Chairman) and Mr D King

The applicant attended the meeting for consideration of their application.

Also in attendance were Ms S Moss (the Committee's legal advisor), the Senior Environmental Health Officer (Health and Safety and Licensing), the Licensing and Enforcement Officer and the Committee Officer (DM).

### **17 APOLOGIES FOR ABSENCE**

An apology for absence was received from Mr K Leggett.

### **18 NON-EXEMPT MINUTES**

The non-exempt minutes of the meeting held on 20 November 2019 were confirmed and signed as a correct record.

### **19 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PRIVATE HIRE VEHICLE LICENSING**

Mr John Walker was in attendance for this item.

The Committee considered an application to licence an electrically powered Tesla Model X vehicle to be operated by Enterprise Private Hire Ltd, a licenced private hire operator.

The application had been referred to the Committee for determination as officers had reservations about the emergency door opening mechanism from the rear passenger seats of the vehicle. The vehicle was equipped with gull or falcon wing doors which were hinged from the roof and opened by pressing a button on the interior column between the front and rear sections of the vehicle. The doors were ordinarily powered by the main vehicle battery and in the event that the main battery failed, it is understood that a 12 volt back-up battery would provide sufficient power to open the falcon wing doors. In the event of both batteries failing, there was an internal emergency door release, operated by removing the speaker cover, pulling a release cable and subsequently pushing the door open manually.

Having regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, the Council needed to be satisfied that the vehicle was suitable in type, size and design, and safe, for use as a private hire vehicle; before issuing a licence. The Committee needed to consider whether the escape mechanism was appropriate where the vehicle was being used for commercial purposes.

The Senior Environmental Health Officer presented his report in full. He stated that Members might wish to have regard to how likely it would be that both batteries would fail and how easy it would be to escape from the vehicle in the event of an emergency.

Mr Walker, in presenting his case, commented that the case was as presented by the Officer and he invited the Committee to view the car.

Members then viewed the car and observed the following:

- the gull/falcon wings of the rear passenger doors and how these opened;
- the size and mechanics of the door opening which would have to be manually opened in the event of failure of both batteries;
- the location of the door release mechanisms – on the front screen of the car and a button on the interior column between the front and rear section of the car;
- the location (bottom of the inside of the door near to the passenger foot well) and design of the speaker cover which housed an emergency release cable – a small wire located within the internal speaker compartment;
- The external door handles were recessed into the leading edge of the rear passenger doors and did not operate in the event of both batteries failing or an interruption to their electrical supply.

In summing up, the Senior Environmental Health Officer invited Members to focus on the issue relating to the escape mechanism from the rear seated area of the car and to consider:

- the likelihood of potential failure of the automated opening mechanism in the event of battery failure or an accident
- would passengers know how to operate the manual release
- the lack of ability to open the door externally.

Mr Walker had no further comments to add.

*Mr Walker, the Senior Environmental Health Officer (Health and Safety and Licensing) and the Licensing and Enforcement Officer then left the meeting whilst the Committee considered its decision.*

Members had a number of concerns about the suitability of the vehicle for use as a licensed vehicle and if it was safe for this purpose. Their concerns included:

- the difficulty in ensuring that fare paying passengers who were unfamiliar with the car would know how to use and be able to use the emergency fallback option for exiting the car;
- the fact that the emergency mechanism was hidden behind a speaker cover, located low down on the passenger door – near the footwell, was not signed or obvious in its colour or location and was quite difficult to locate amongst other materials within the speaker housing, especially in an emergency;
- the door could not be opened from the outside;
- the door would be heavy to manually push up;
- these issues would be even more difficult for people with disabilities to manage;
- in an accident involving fire underneath the vehicle, both batteries could be compromised leaving the internal manual door mechanism as the only means of egress from the vehicle.

### **DECISION**

Members considered all the information presented to them about the vehicle and carried out an inspection of the vehicle on the day of the meeting. They had regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, and section 4 of the Council's Private Hire Vehicle and Hackney Carriage Policy. They needed to be satisfied that the vehicle was suitable in type, size and design and was safe for use as a private hire vehicle, before issuing a licence. Taking all the information and evidence into account, in particular, the safety issues relating to the escape mechanism for inexperienced fee-paying passengers in an emergency situation when the vehicle was being used on a commercial basis, the Committee decided to not grant a licence as they were not satisfied that the vehicle was safe for use as a private hire vehicle.

### **RESOLVED**

to not grant the licence.

*Mr Walker, the Senior Environmental Health Officer (Health and Safety and Licensing) and the Licensing and Enforcement Officer were then re-admitted to the meeting and advised of the Committee's decision.*

The applicant was advised of the right of appeal to the Magistrates Court against the decision within 21 days of receipt of the written decision.

### **20 EXCLUSION OF THE PRESS AND PUBLIC**

#### **RESOLVED**

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

### **21 EXEMPT MINUTES**

The exempt Minutes of the meeting held on 20 November 2019 were confirmed and signed as a correct record.

*The meeting closed at 11:15am*