

## **LICENSING SUB-COMMITTEE**

Friday 28 July 2017

### **Present:**

Councillors Holland, Newby and Owen

### **Also Present:**

Litigation Solicitor, Solicitor, Principal Licensing Officer, Senior Licensing Officer, Licensing Officer and Democratic Services Officer (Committees)

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### **APPOINTMENT OF CHAIR**

Councillor Newby was appointed as the Chair for this meeting.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

## **LICENSING ACT 2003**

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### **APPLICATION TO VARY AN EXISTING PREMISES LICENCE**

Decision set out in formal notice.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

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### **RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 8 YEARS OLD.**

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976. He explained that vehicles presented for renewal that are more 10 years old, shall not be granted. However the applicant would be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies.

The Senior Licensing Officer presented an application from Mr G to grant a Private Hire Vehicle licence in relation to a vehicle which was over 8 years old at the renewal date.

Mr G was in attendance and spoke in support of his case. He advised that the vehicle was a wheelchair accessible vehicle used for a specific school run for special needs children attending the Mill Water School and was used by another driver for weekend taxi work. He explained that the wheel chair fixing had not been checked with a wheel chair because Devon County Council had undertaken the check in a different manner.

He further explained that the vehicle was very good for the school runs for the children who suffered with autism who were very comfortable with the vehicle, which was kept in very good condition.

Mr G requested that the Licence be for 12 months as this would cover the school year.

The Solicitor stated that Section 48(4) (c) provides that a licence granted under Section 48 shall remain in force for such a period not being longer than one year as the district council may specify in licence.

**RESOLVED** that the application for the renewal of a Private Hire Vehicle licence for a vehicle which is over 10 years old be approved for a period of 6 months and that the Applicant use this time to replacement the vehicle.

37 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

38 **TO DETERMINE IF AN APPLICANT IS FIT AND PROPER TO HOLD A TAXI DRIVERS LICENCE IN ACCORDANCE WITH THE RELEVANT LEGISLATION**

The Chair introduced the Sub Committee Members and Officers.

The Applicant had been referred to the Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing including the Council's policy objectives under the Licensing Authorities Practises and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators. The Solicitor also set out Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a drivers licence.

The Solicitor further stated that normally, convictions for other traffic offences not involving disqualification should not prevent someone for obtaining a licence. However, if there were several convictions for these types of offence, an applicant would normally be expected not to have been convicted of an offence in the 6 months before an application is made.

The Senior Licensing Officer presented the report and gave evidence in respect of the application and highlighted that due to a clerical error, the Applicant had disclosed to the Senior Licensing Officer prior to the meeting that he had disclosed his points to the Licensing Technician at the time of making the application. He did not know the exact dates and was informed not to disclose the points on the application form until he had the dates of the offence. The applicant did not disclose the dates of the speeding points on the application form in time for the meeting.

The Applicant was in attendance with Mr JR and spoke in support of his case. The Applicant explained that he had undertaken his driving test and had passed. He further provided a letter of reference from Mr JR who would be employing him if successful in his application. Mr JD advised he would be providing full training to the Applicant and that it was in his interest to make sure he knows what he is doing

and succeeds. Members recommended that for the future the Applicant ensures he checks all paper work before signing it.

**RESOLVED** that the driver be advised that the Sub-Committee consider him to be a fit and proper person to hold a taxi drivers licence.

(The meeting commenced at 10.30 am and closed at 3.40 pm)

Chair