

LICENSING SUB-COMMITTEE

Friday 8 June 2018

Present:

Councillors Hannan, Newby and Sills

Also Present:

Solicitor, Senior Licensing Officer, Apprentice Solicitor and Democratic Services Officer

28

APPOINTMENT OF CHAIR

Councillor Sills was appointed as Chair for this meeting.

29

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

30

APPLICATION TO RENEW PRIVATE HIRE VEHICLE LICENCE OVER 9 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.

The Senior Licensing Officer presented the report stating that the vehicle was a six seater Volkswagen Touran MPV, which had been licensed as a Private Hire vehicle since 3 April 2012 and was currently used for Private Hire Operator – Z Cars. The Senior Licensing Officer stated that the registration date was 7 October 2008 making the vehicle over 9 years old at the time of renewal. The policy in place for the renewal of private hire vehicles between 9 and 10 years old, stated that they would need to be referred to the Licensing Sub-Committee for determination.

The vehicle had been MOT tested on 27 March 2018, containing no advisories and had also received an independent mechanical inspection on 27 March. The Licensing Authority had also inspected the vehicle on 9 April 2018, considering it to be in very good condition.

Mr T Papp was in attendance on behalf of the Applicant and spoke in support of the application. He explained that there was a plan to replace all vehicles in the Z car fleet. This vehicle would be replaced by April 2019 and this application would keep the vehicle on the road until this time. The vehicle was a well-known and used vehicle in the area. He noted that the replacement vehicles would not be hybrid cars at this time, but would be low emission vehicles, that would meet the Government standards. He confirmed that all the work listed in the independent mechanical inspection had been completed.

RESOLVED that the application for the renewal of a Private Hire Vehicle licence for a vehicle which was over 9 years old be approved for 12 Months, with a notification that following Council Policy, vehicles over 10 years old would not be renewed without exceptional circumstances.

31 **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.

TOWN POLICE CLAUSES ACT 1847

32 **HEARING TO DETERMINE WHETHER A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER IS FIT AND PROPER**

The Chair introduced the Licensing Sub Committee Members and Officers to the Licensed Driver and the representative who attended in support.

The Solicitor set out the procedure for the hearing and explained Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 setting out the circumstances where a Hackney Carriage/Private Hire Vehicle Licence may be revoked or suspended.

The Solicitor stated that evidential burden was not on the Licensed Driver to prove fitness and propriety but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licensed Driver was no longer a fit and proper person. Every case before the Licensing Sub-Committee is heard on its individual merits and its paramount concern is the safety of the travelling public.

The Senior Licensing Officer presented the report and set out the convictions of the Licensed Driver stating. There had been no other record of complaints relating to the Licensed Driver.

The Licensed Driver was in attendance and spoke on behalf of their fitness and propriety.

RESOLVED that the Licensing Sub-committee was satisfied that the Licensed Driver was a fit and proper person to hold a taxi drivers licence and that the licence should remain in place, with a written warning to be issued with regard to future conduct.

33 **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE. TO DETERMINE IF THE APPLICANT IS FIT AND PROPER**

The Chair introduced the Licensing Sub Committee Members and Officers to the Applicant who brought a representative from the Taxi trade in support.

The Solicitor set out the procedure for the hearing and the applicable law and policy.

The Solicitor stated that evidential burden was on the Licensed Driver to prove on the balance of probabilities that they were a fit and proper person. Every case before the Licensing Sub-Committee is heard on its individual merits and its paramount concern is the safety of the travelling public.

The Senior Licensing Officer presented the report and the Applicant was in attendance with a representative and spoke in support of the application.

RESOLVED that the Licensing Sub-committee was satisfied that the Applicant was

a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle driver's licence.

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APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE. TO DETERMINE IF THE APPLICANT IS FIT AND PROPER

The Chair introduced the Licensing Sub Committee Members and Officers to the Licensed Driver and the representative who attended in support.

The Solicitor set out the procedure for the hearing and explained Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 setting out the circumstances where a Hackney Carriage/Private Hire Vehicle License may be revoked or suspended.

The Solicitor stated that evidential burden was not on the Licensed Driver to prove fitness and propriety but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licensed Driver was no longer a fit and proper person. Every case before the Licensing Sub-Committee is heard on its individual merits and its paramount concern is the safety of the travelling public.

The Senior Licensing Officer presented the report and gave evidence in respect of a renewal application, which had been submitted and the disclosure of an offence.

The Licensed Driver was in attendance and spoke in support of the application.

RESOLVED that the Licensing Sub-committee was satisfied that the Licensed Driver was a fit and proper person to hold a taxi drivers licence and that the licence should remain in place, with a written warning issued with regard to future conduct.

(The meeting commenced at 10.00 am and closed at 1.05 pm)

Chair