

## **LICENSING SUB-COMMITTEE**

Wednesday 27 February 2019

### Present:

Councillors Owen, Holland and Newby

### Also Present:

Solicitor, Interim Principal Licensing Officer and Democratic Services Officer (MD)

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### **APPOINTMENT OF CHAIR**

Councillor Owen was appointed as Chair for this meeting.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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

### **TOWN POLICE CLAUSES ACT 1847**

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### **APPLICATION TO RENEW A 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 Principal Licensing Officer presented the report stating that the vehicle was a silver Renault Scenic, NJ09 KDK, capable of carrying up to six passengers. It had been registered on 2 March 2009, making the vehicle over 9 years old. Copies of the V5 Registration document, insurance document and MOT certificate dated 30 January 2019 had been supplied to the Licensing Authority.

The Principal Licensing Officer commented that vehicles presented for renewal between the ages of 9 and 10 years old would be referred to the licensing sub-Committee for determination. The Council's Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy') stated that vehicles presented for renewal that were more than 10 years old, should not be granted, but the applicant would be given the right to apply for the application to be considered by the Licensing Sub-Committee if the applicant felt their circumstances justified a deviation from the existing Taxi Policy.

The Principal Licensing Officer clarified that an independent vehicle inspection report had not been requested or provided. If the Committee were mindful to approve the renewal of the Licence, it could be subject to receipt of the inspection report by the licensing authority. The alternative option would be to adjourn the meeting until the report was received. The Solicitor confirmed that the document would need to be seen by the Licensing Sub Committee or delegated to the Licensing Authority to inspect.

The driver was in attendance and spoke in support of the application. He explained that vehicle was in good condition and capable of functioning as a taxi for another

year. The vehicle mileage was 18,000 miles in the last 12 months, however the vehicle was likely to be retired after the following year. He explained the journeys made were either long distance journeys to Heathrow, Gatwick and Bristol Airports or journeys within the local area. He confirmed that there was a dry powder fire extinguisher and first kit located in the vehicle for safety purposes.

The driver commented on the MOT advisory, which he considered to be an observation, however as he was not satisfied with the wording used, he would address the required work.

The Chair noted the driver's comments regarding the criteria for determining the renewal of vehicles, should be based on the vehicles mileage, rather than just its age.

**RESOLVED** The Licensing Sub-Committee was mindful that the vehicle would be 10 years old on 2<sup>nd</sup> March 2019 therefore the application for the renewal of a Private Hire Vehicle licence was approved for a period of three months, subject to the following being carried out to the satisfaction of the Principal Licensing Officer;

The Applicant providing the Licensing Authority with:

1. A comprehensive report into the mechanical fitness of the vehicle.
2. Evidence that any faults identified by the report in point 1 above have been remedied.
3. Evidence that the advisories on the MOT Certificate have been addressed.

8 **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.

9 **HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

The Chair introduced the Licensing Sub Committee Members and Officers. The applicant had been referred to the Licensing 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 and explained 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 licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor stated that evidential burden was on the applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Interim Principal Licensing Officer presented the report and gave evidence in respect of the application which had been submitted on 18 December 2018. During the application process, eight convictions had been disclosed. The Applicant had submitted a DBS certificate, two references and attended with his prospective

employer to speak on behalf of his fitness and proprietary. The Applicant answered questions from the Licensing Sub Committee and the Solicitor.

**RESOLVED** that the Licensing Sub-committee was satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle.

(The meeting commenced at 10.00 am and closed at 11.30 am)

Chair