

LICENSING SUB-COMMITTEE

Friday 7 June 2019

Present:

Councillors Henson, D and Warwick

Also Present:

Solicitor, Senior Licensing Officer and Democratic Services Officer (MD)

23

APPOINTMENT OF CHAIR

Councillor D Henson 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

25

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS VEHICLE LICENCE OVER 4 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 an application from Mr AS to grant a Private Hire Vehicle licence in relation to a vehicle that was over four years old at initial licensing. She advised that the matter could not be dealt with under delegated powers, and that the vehicle registration date was 10 March 2015.

The Council's policy stated that an application for a first Private Hire vehicle licence where the vehicle in question was more than four years old, should not be granted. However the applicant could apply to the Licensing Sub-Committee for determination if the applicant considered their particular circumstances justified a deviation from the policy, to, not to grant licenses for vehicles over four years of age.

The vehicle was a Peugeot 508, GT SW HDI Auto, registration KN15 RAU, with a recorded mileage from the latest MOT on 9 April 2019, at 35,877 miles. A V5 document, MOT status, insurance and inspection reports had been provided from the applicant.

Mr AS was in attendance and spoke in support of the application. He explained that he had been a Private Hire driver since 2011, however his previous vehicle had been stolen in February 2019. He explained that his insurance company pay-out had been less than the value of the stolen vehicle, but had chosen a new estate car for use by his family. The vehicle was only just over 4 years old and was considered to be in excellent condition, with a mileage of 35,000, a completed MOT and a health check performed by a garage in Manchester, in May 2019. Mr AS considered that the vehicle was safe to use and confirmed that it had been on the road for a month.

RESOLVED that the application for the grant of a Private Hire Vehicle licence be approved for 12 Months.

26 **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.

27 **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 Senior Licensing Officer presented the report and gave evidence in respect of the application. The Applicant was in attendance to make a submission in support of their application and provided responses to questions from the Licensing Sub-Committee Members.

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.

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Licensing Sub-Committee was the safety of the travelling public.

The Senior Licensing Officer presented the report and gave evidence in respect of the application. The Applicant was in attendance and was accompanied by a representative to speak on their behalf. The Applicant responded to questions from the Licensing Sub-Committee.

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 11.00 am)

Chair