

LICENSING SUB-COMMITTEE

Monday 15 July 2019

Present:

Councillors Buswell, Henson, D and Newby

Also Present:

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

34

APPOINTMENT OF CHAIR

Councillor Newby was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

36

REVIEW OF A PREMISES LICENCE - THE GLOBE

Decision set out in formal notice.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

37

APPLICATION TO GRANT A LICENCE RELATING TO A HACKNEY CARRIAGE VEHICLE.

The Chair introduced the Licensing Sub-Committee and the Senior Solicitor set out the procedure for the hearing advising of the requirements under the Town Police Clauses Act 1847 and Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

The Senior Licensing Officer presented the report stating that the licensed taxi driver was seeking permission for the grant of a notice of exemption from undertaking mobility assistance to passengers in wheelchairs (Section 166 Equality Act 2010).

The Applicant had reported issues with chronic lower back and knee arthritis and had submitted a letter from his GP, which stated that it would be almost impossible for him to lift heavy or awkward loads, and issued an exemption from wheelchair work. The Applicant had requested permission to replace his existing Euro 5 rear loading wheelchair accessible vehicle (H063 Fiat Doblo), with a Toyota Prius ultra-low emission vehicle (ULEV).

The proposed Toyota Prius, registration WG17 WPD, could seat up to four passengers and had first been registered in June 2017 making it two years and one month old. The vehicle had not yet been purchased, consequently meaning that there was no MOT or comprehensive vehicle inspection reports available. If that application were granted, these documents would be submitted and checked before the plate could be issued.

The Senior Licensing Officer explained that the current vehicle, if used by another

licenced driver, could still be used as a wheelchair accessible vehicle

Mr RS was in attendance and spoke in support of the application. He explained that he suffered from back problems and the lifting of heavy items and wheel chairs were too much for his back and legs. He wanted to avoid giving the perception of being discriminatory to wheel chair users, because he couldn't help them, despite operating a vehicle that would accommodate wheel chair users. The best option for him would be to change his vehicle.

In response to questions from Members, Mr RS stated that the proposed Toyota Prius produced under 75g of carbon emissions.

Members were satisfied that there were exceptional circumstances to deviate from the policy, with the receipt of the medical certificate to grant the vehicle licence to prevent any confusion and distress to customers. This was subject to receipt by the Licensing Authority of the correct documentation of the ULEV vehicle.

RESOLVED that the application for the grant of a Hackney Carriage vehicle licence be approved.

38 **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.

39 **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.

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 9.30 am and closed at 4.00 pm)

Chair