

LICENSING SUB-COMMITTEE

Monday 11 November 2019

Present:

Councillors Buswell, Oliver and Wood

Also Present:

Solicitor, Licensing Officer and Democratic Services Officer (MD)

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APPOINTMENT OF CHAIR

Councillor Wood 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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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.

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APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE 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 Licensing Officer presented an application to grant a Private Hire Vehicle licence in relation to a vehicle which was over four years old at initial licensing on 1 October 2013 and advised that the matter could not be dealt with under delegated powers.

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 shall not be granted. However the applicant could apply to the Licensing Sub-Committee for determination if the applicant considered that their particular circumstances justified a deviation from the policy not to grant licenses for vehicles over four years of age.

The vehicle was a BMW 330 with a recorded mileage of 155,550 miles from the latest MOT certificate dated 18 September 2019. The vehicle had undertaken an independent mechanical inspection 18 September 2019 which contained one advisory. The vehicle was presented to the Licensing Authority for inspection on 5 September 2019 and had been considered to be in very good condition.

The Applicant was in attendance and spoke in support of the application, explaining that the vehicle was in excellent condition and serviced regularly, ensuring it was of a high standard. The Applicant had addressed finance options to purchase a new vehicle to conform to the Councils policy, but was unable to proceed because of personal circumstances.

The Applicant confirmed that the vehicle was a diesel engine, purchased in 2018, and was a former Police vehicle, making him the second owner. It was used as a family vehicle and it was expected to a variety of a long and short trips. The vehicle received a lot of regular work and investment and the Applicant considered that there were no issues and that the vehicle was safe.

Members considered in this instance to make an exception to the policy guidelines based on the quality of the vehicle, based on the evidence presented before them. Members requested that a copy of the on-board computer vehicle service history be submitted to the Licensing Authority.

RESOLVED that the application for the grant of a Private Hire Vehicle licence be approved for 12 Months, subject to the submission of the vehicle service history, to the Licensing Authority.

60 **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE 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 Licensing Officer presented an application to grant a Private Hire Vehicle licence in relation to a vehicle which was over four years old at initial licensing, advising that the matter could not be dealt with under delegated powers. It was explained that the vehicle registration date was 7 April 2014 making the vehicle over four years old.

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 shall not be granted. However the applicant could apply to the Licensing Sub-Committee for determination if the applicant considered that their particular circumstances justified a deviation from the policy not to grant licenses for vehicles over four years of age.

The vehicle was a Peugeot 3008 with a recorded mileage of 50,592 from the latest MOT on 18 September 2019. The vehicle was also inspected by an independent vehicle inspector and by the Licensing Authority on 25 September 2019 and was considered to be in very good condition.

The Applicant was in attendance and spoke in support of the application, explaining that the original licence held had lapsed due to unforeseen personal circumstances and had submitted a new application, following the advice of the Licensing Authority. The vehicle was previously used as a Private Hire vehicle and was in excellent condition The MOT was up to date and an inspection report further confirmed the vehicle to be safe and comfortable for passengers. Since the original licence had lapsed the Applicant was currently renting a car from Apple Taxi's which was adding a personal financial cost.

The Licensing Officer confirmed that the original licence would have been renewed through the normal process had it not lapsed due to the unforeseen circumstances

and that the Licensing Authority had advised the Applicant to submit the application again as a new application.

The Applicant confirmed that the vehicle had not been used for work, since the Licence lapsed but it had been serviced September 2019.

Members considered in this instance that there were exceptional circumstances for the application, which would have been renewed in normal circumstances. Members were satisfied that the vehicle was suitable for use as a Private Hire vehicle.

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

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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 and that every case before the Licensing Sub-Committee was heard on its individual merits, with the main concern of the Licensing Sub-Committee being the safety of the travelling public.

The Licensing Officer presented the report and gave evidence in respect of the application. The Applicant was in attendance 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 driver's licence for a Hackney Carriage/Private Hire Vehicle.

(The meeting commenced at 10.00 am and closed at 11.46 am)

Chair