

LICENSING SUB-COMMITTEE

Monday 2 March 2020

Present:

Councillors Owen, Henson, D and Warwick

Also Present:

Litigation Solicitor, Solicitor, Principal Licensing Officer, 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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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's 1 and 2 of Part I, Schedule 12A of the Act.

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APPLICATION FOR THE GRANT OF A LICENCE RELATING TO A PRIVATE HIRE DRIVERS VEHICLE 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. An application had been received to renew a Private Hire Vehicle licence for a vehicle which was over 9 years old on the application date. The vehicle had been first registered on 18 October 2010 and could not be dealt with under delegated powers.

The vehicle was a Ford Mondeo, with a current MOT certificate dated 27 January 2020 and had a recorded mileage of 224,228 miles. The applicant had submitted copies of the MOT certificate and an independent mechanical inspection report dated 27 January 2020. The vehicle had also been presented for inspection to the Licensing Authority on 19 February 2020 and had been considered to be in good condition.

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 Applicant was in attendance and spoke in support of their application, explaining that the vehicle was both safe and in good condition with no reported issues. He currently had financial difficulties following a period of unemployment and could not afford to purchase a new vehicle, at the present time.

In response to questions from Members and the Solicitor, the Applicant explained:-

- That he was currently working as a taxi driver using a temporary licence;
- he expected to make short journeys around the city, with an expected mileage of 10,000 -15,000 miles every year;
- The vehicle would be serviced every 5000 miles; and
- The vehicle would be replaced within 12 months, and when it was more affordable.

The Principal Licensing Officer confirmed that the Applicant had purchased the vehicle from another driver which had been used as a Private Hire Vehicle. The driver would provide the Licensing Authority with the insurance documentation, if the licence was granted.

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

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APPLICATION FOR THE GRANT OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE 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. An application had been received to grant a Private Hire Vehicle licence for a vehicle over 4 years old on the application date and had first been registered on 22 December 2008, making the vehicle 11 years and 2 months old and could not be dealt with under delegated powers.

The vehicle was a Volkswagen Passat, with a current MOT certificate dated 9 January 2020 with a recorded mileage of 120, 752 miles. The Applicant had submitted copies of the MOT certificate and an independent mechanical inspection report dated 6 February 2020 and presented the vehicle for inspection on 13 February 2020, which was considered to be in good condition.

It was explained that that the Licensing Sub Committee must have regards for the Taxi Policy which stated that an application for the grant of a first private hire vehicle licence, where the vehicle in question is more than 4 years old, should not be granted. The applicant had the right to apply for the application to be considered by the Licensing Sub Committee, to consider whether there were exceptional circumstances to deviate from the policy.

The Applicant was in attendance and spoke in support of their application, explaining that after moving back to the UK after the breakup of his marriage, he was not in a good emotional state and had been informed by an undisclosed person, that a vehicles over 8 years old were suitable for use as a taxi. However during the knowledge test, he became aware that the information he had been given was incorrect. The Applicant explained his financial issues prevented him from purchasing a new vehicle, but confirmed that the current vehicle was in good condition, and that all the issues raised in the inspection report had been resolved. The Applicant explained that he enjoyed being a taxi driver and held a good

reputation with excellent customer feedback.

In response to questions from Members and the Solicitor the Applicant explained:-

- That updated documentation to show that the required work for the vehicles had been completed would be presented to the Licensing Authority;
- That he was aware that he should have checked the criteria on the Council website rather than take the advice he was given;
- The vehicle had now been purchased in September 2019, and that he would use it for a year before purchasing a new vehicle;
- The expected journeys made would be local pickups and that the vehicle would like be serviced twice a year;
- He was currently operating with a temporary licence until the outcome of the subcommittee meeting; and
- The vehicle had three passenger seats, but work would be undertaken to convert it to seat four passengers.

The Principal Licensing Officer confirmed that the vehicle emissions would conform to the Euro 5 standard. The standard for new vehicle emissions was Euro 6, which had improved features to reduce carbon emissions.

RESOLVED that the Licensing Sub-Committee did not consider that there was any evidence presented that justified a deviation from the Taxi Policy and that the application for the grant of a Private Hire Vehicle licence be refused.

The reason for the decision was outlined in the Refusal Notice.

(The meeting commenced at 10.00 am and closed at 10.53 am)

Chair