

LICENSING SUB-COMMITTEE

Thursday 22 July 2021

Present:

Councillors Holland and Vizard

Also Present:

Legal Advisor, Service Lead - Environmental Health & Community Safety, Licensing Officer (DF) and Democratic Services Officer (MD)

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APPOINTMENT OF CHAIR

Councillor Holland was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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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.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

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RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 10 YEARS OLD.

The Chair introduced the Licensing Sub-Committee and advised that the meeting was quorate to proceed with two Members, and the Applicant, who was in attendance confirmed they were happy to proceed with the hearing.

The Legal Advisor set out the procedure for the hearing advising of the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Service Lead - Environmental Health & Community Safety presented the application to renew a Private Hire Vehicle licence in relation to a vehicle which was over 10 years old at the renewal date. The vehicle was a six passenger Vauxhall Zafira, without wheel chair access, which had been first registered on 21 December 2010.

A vehicle MOT certificate had been submitted, dated 24 February 2021, with a recorded mileage of 173,166 miles. An independent mechanical inspection report had also been submitted, which was dated 31 March 2021 and the vehicle had been inspected by a Licensing Officer on 15 April 2021, which had been considered to be in a good condition. Additional photographs of the vehicle had

also been included in the report presented at the meeting.

The Service Lead - Environmental Health & Community Safety explained the Taxi Policy, which stated that vehicles presented for renewal aged between 9 and 10 years old would be referred to the licensing sub-committee for determination. Vehicles over 10 years old shall not be granted, however, the Applicant has the right to apply for the application to be considered by a Licensing Sub-Committee if the Applicant considers that their circumstances justified a deviation from the policy.

The Applicant spoke in support of the application and explained that the vehicle was in good condition and was serviced every 10,000 miles, with any work required being actioned immediately. The Applicant has been intending to replace the vehicle in 2020, however due to the restrictions from the Covid Pandemic, it had not been possible, but it was his intention to replace the vehicle within the next 12 months.

The Applicant responded to questions from Members and the Legal Advisor.

In response to questions from the Legal Advisor, the Service Lead - Environmental Health & Community Safety explained that should the licence be granted for 12 months, that it would run until 27 April 2022.

RESOLVED that the application for the renewal of a Private Hire Vehicle licence be granted until 31st October 2021.

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GRANT OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 4 YEARS OLD.

The Chair introduced the Licensing Sub-Committee and advised that the meeting was quorate to proceed with two Members, and the Applicant, who was in attendance confirmed they were happy to proceed with the hearing.

The Legal Advisor set out the procedure for the hearing advising of the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer presented an application for a Private Hire Vehicle licence in relation to a vehicle which was over 4 years old at first licensing. The vehicle was a four passenger Mercedes Benz E220, without wheel chair access, which had been first registered on 23 November 2015.

A vehicle MOT certificate had been submitted, dated 24 December 2020, with a recorded mileage of 31,208 miles. An independent mechanical inspection report had also been submitted, which was dated 24 March 2021 and the vehicle has been inspected by a Licensing Officer on 1 April 2021, which had been considered to be in a very good condition. Photographs of the vehicle had also been included in the report presented at the meeting.

The Licensing Officer explained the Taxi Policy, which stated that vehicles presented for a grant for a first private hire vehicle licence, which were more than four year's old, shall not be granted. The Applicant would be given the right to apply for the application to be considered by a Licensing Sub-Committee if they considered that their circumstances justified a deviation from the policy.

The Applicant spoke in support of the application and explained that the vehicle

was a replacement vehicle from an 8 seater vehicle, which he had previously used until March 2021. Due to the impact of Covid, it had become too costly to run that vehicle for smaller pickups.

The Applicant considered the vehicle to be in top quality condition, with low mileage, full service history from the previous owner and was very safe to be used as a taxi.

The Applicant responded to questions from Members and the Legal Advisor.

RESOLVED that the Licensing Sub-Committee refuse the application as it did not consider that there was any evidence presented that justified a deviation from the Taxi Policy.

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RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 10 YEARS OLD.

The Applicant was not in attendance and following representations from the Service Lead - Environmental Health & Community Safety the Licensing Sub-Committee retired to determine whether to adjourn the hearing or proceed with the application in absence of the applicant. The Licensing Sub-Committee resolved to hear the application on the basis that :-

- No application to adjourn had been submitted;
- The applicant had made written representations in support of the application;
- The applicant being a company had the opportunity to send a representative.
- A temporary licence had been issued.

The Licensing Officer presented the application to renew a Private Hire Vehicle licence in relation to a vehicle which was over 10 years old at the renewal date. The vehicle was an eight passenger Ford Transit, without wheel chair access, which had been first registered on 22 March 2011.

A vehicle MOT certificate had been submitted, dated 21 January 2021, with a recorded mileage of 276,035 miles. An independent mechanical inspection report had also been submitted, which was dated 9 February 2021 and the vehicle had been inspected by a Licensing Officer on 21 April 2021, which had been considered to be in a reasonable condition.

The Taxi Policy, stated that vehicles presented for renewal aged between 9 and 10 years old would be referred to the licensing sub-committee for determination. Vehicles over 10 years old shall not be granted. However, an Applicant may apply for the application to be considered by a Licensing Sub-Committee if they considered that their circumstances justified a deviation from the policy.

A written representation has been received which stated that the advisory repairs had not been completed because the company were waiting for the licence to be approved before repairs would be made. If the licence was not approved, then the vehicle would be sold. The vehicle was serviced by a garage every 10,000 miles and there had been no problems with the advisories. The vehicle was considered to be doing a very good job for the prison service and there had been no complaints received about either the driver or the vehicle.

Members considered the written submission and evidence from the report and deemed that there were apparent issues with the vehicle and did not consider it to be in good mechanical condition

RESOLVED that the Licensing Sub-Committee refuse the application as it did not consider that there was any evidence presented that justified a deviation from the Taxi Policy and it was not satisfied that the vehicle was in a suitable mechanical condition.

(The meeting commenced at 10.00 am and closed at 12.10 pm)

Chair