

LICENSING SUB-COMMITTEE

Tuesday 8 March 2022

Present:

Councillors Buswell, Moore, J and Vizard

Also Present:

Legal Advisor, Principal Licensing Officer, Principal Environmental Health Officer and Democratic Services Team Leader

Also Present:

Daniel Copper – Work Experience Student.

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APPOINTMENT OF CHAIR

Councillor Buswell 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's 1 and 2 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 HACKNEY CARRIAGE VEHICLE OVER 9 YEARS OLD.

The Chair introduced the Licensing Sub Committee Members and Officers. The Applicant had no objections for the work experience student remaining in the room for duration of 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 Principal Licensing Officer presented the application to renew a Hackney Carriage Vehicle licence in relation to a vehicle which was over 9 years old at the renewal date.

The Applicant had submitted a vehicle MOT certificate dated 14 January 2022, with a recorded mileage of 171,211 miles. An independent mechanical inspection report, dated 14 January 2022 had also been submitted. The vehicle had been inspected by a Licensing Officer, which had been considered to be in a good

condition for the age and mileage. Additional photographs of the vehicle had also been submitted and a written supporting statement was presented at the meeting.

The Principal Licensing Officer 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. Hackney Carriage Vehicles over 8 years old should not be granted, however, the Applicant had 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 who was in attendance spoke in support of the application and responded to questions, from Members and the Legal Advisor.

RESOLVED that the application for the renewal of a Hackney Carriage licence be granted.

18 **RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 9 YEARS OLD.**

The Chair introduced the Licensing Sub Committee Members and Officers. The Applicant had no objections for the work experience student remaining in the room for duration of 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 Principal Licensing Officer presented the application to renew a Private Hire vehicle licence in relation to a vehicle which was over 9 years old at the renewal date.

The Applicant had submitted a current vehicle MOT certificate dated 26 January 2022, with recorded mileage of 314,570 miles. An independent mechanical inspection report dated 26 January 2022 had also been submitted. The vehicle had been inspected by a Licensing Officer, which had been considered to be in a good condition for its age and mileage. Photographs of the vehicle had also been submitted and were included in the report presented at the meeting.

The Licensing Officer 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 should not be granted, however, the Applicant had 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 was in attendance and spoke in support of the application and responded to questions, from Members and the Legal Advisor. Members noted the vehicle was 9 years and 8 months old and would be more than 10 years old from 30 April 2022.

RESOLVED that the application for the renewal of a Private Hire Vehicle licence be granted until 30 April 2022.

19 **RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 9 YEARS OLD.**

The Chair introduced the Licensing Sub Committee Members and Officers. The Applicant had no objections for the work experience student remaining in the room for duration of 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 Principal Licensing Officer presented the application to renew a Hackney Carriage Vehicle licence in relation to a vehicle which was over 9 years old at the renewal date.

The Applicant had provided a vehicle MOT certificate dated 3 February 2022, which showed a recorded mileage of 146,210 miles. An independent mechanical inspection report was also submitted, dated 5 February. The vehicle had been inspected by a Licensing Officer, who had considered the vehicle to be in a good condition for the age and mileage. The vehicle had been first registered on 13 September 2012. Additional photographs of the vehicle had also been submitted and were included in the report presented at the meeting.

The Licensing Officer 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 should not be granted, however, the Applicant had 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 was in attendance and spoke in support of the application and responded to questions, from Members and the Legal Advisor. The Applicant confirmed that the vehicle was a wheelchair accessible vehicle and would be used a backup vehicle, in the company fleet.

RESOLVED that the application for the renewal of a Private Hire Vehicle licence be granted until 13 September 2022, subject to evidence of the completed work to the MOT and independent inspection advisories are submitted to the Licensing Authority.

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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 no objections for the work experience student remaining in the room for duration of the hearing.

The Applicant had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a taxi drivers licence.

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 Principal 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 and responded to questions from the Members and Solicitor.

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 12.48 pm)

Chair