

LICENSING SUB-COMMITTEE

Thursday 20 June 2024

Present:

Councillors Haigh, Holland and Sheridan

Also Present:

Legal Advisor, Principal Licensing Officer and Democratic Services Officer (PMD)

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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.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

Members were advised that the application had been withdrawn by the Applicant.

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REQUEST FOR DECISION IN PRINCIPLE TO LICENCE A SALOON AS A HACKNEY CARRIAGE

The Chair introduced the Sub-Committee and the Legal Advisor set out the procedure for the hearing advising of the Council's policy and the statutory requirements under the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer presented an application from a licensed taxi driver which sought to licence a saloon Ultra Low Emission Vehicle (ULEV). The Applicant had attended an Occupational Health Assessment at Heavitree Hospital on 9th April 2024, which recommended an exemption from undertaking mobility assistance to passengers in wheelchairs (Section 166 Equality Act 2010). The replacement vehicle had not been purchased at the time of the hearing, pending the consideration of the decision in principle by the Licensing Sub-Committee. A copy of the Applicant's Occupational Health Assessment was included with the report.

Members were referred to the report which detailed the Council's Policy for new vehicles plated for the first time (including existing proprietors on the change of vehicle) and the conditions that would need to be included.

The Applicant was in attendance and explained his reasons for bringing the matter before the Licensing Sub-Committee.

In response to questions from the Members, the Legal Advisor and the Licensing Officer, the Applicant explained that:-

- he was unable to lift anything heavier than 20kg;
- he had not previously applied for an exemption from picking up wheelchair users; and
- there would be no issues with supporting passengers with luggage, which was considered to be easier to pick up and less of a safety risk than carrying people.

RESOLVED to refuse the request for approval in principle to licence a saloon vehicle as a Hackney Carriage.

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REQUEST FOR DECISION IN PRINCIPLE TO LICENCE A SALOON AS A HACKNEY CARRIAGE

The Chair introduced the Sub-Committee and the Legal Advisor set out the procedure for the hearing advising of the Council's policy and the statutory requirements under the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer presented an application from a licensed taxi driver which sought to licence a saloon Ultra Low Emission Vehicle (ULEV). The Applicant had attended an Occupational Health Assessment at Heavitree Hospital on 16th April 2024, which recommended an exemption from undertaking mobility assistance to passengers in wheelchairs (Section 166 Equality Act 2010), for reasons relating to an arm injury. The replacement vehicle had not been purchased at the time of the hearing, pending the consideration of the application by the Licensing Sub-Committee. A copy of the Applicant's medical report was included with the report.

Members were referred to the report which detailed the Council's Policy for new vehicles plated for the first time (including existing proprietors on the change of vehicle) and the conditions that would need to be included.

The Applicant was in attendance and explained his reasons for bringing the matter before the Licensing Sub-Committee.

In response to questions from the Members, the Legal Advisor and the Licensing Officer, the Applicant explained that:-

- he was unable to lift anything heavy;
- he had not previously applied for an exemption from picking up wheelchair users; and
- there would be no issues with supporting passengers with luggage, but he could only do so with his left hand.

RESOLVED to refuse the request for approval in principle to licence a saloon as a Hackney Carriage.

**HEARING TO DETERMINE WHETHER A HOLDER OF A 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 Legal Advisor set out the procedure for the hearing and the provisions of Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Legal Advisor stated that the evidential burden was on the Applicant to satisfy the Licensing Sub-Committee on the balance of probabilities that the Applicant was a fit and proper person. Every case before the Licensing Sub-Committee was heard on its individual merits and its paramount concern is the safety of the travelling public.

The Principal Licensing Officer presented the report to the Licensing Sub-Committee setting out the issues that had resulted in the Applicant being brought before the Licensing Sub-Committee for a determination.

The Applicant was in attendance, accompanied by a representative from a Community Interest Company (CIC) and made submissions in response to the evidence set out in the report and responded to questions from Members and the Legal Advisor.

RESOLVED that the Licensing Sub-Committee was not satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle. Written notice of the Licensing Sub-Committee's decision would be issued to the driver within five (5) working days.

(The meeting commenced at 11.05 am and closed at 2.15 pm)

Chair