

LICENSING SUB-COMMITTEE

Thursday 28 August 2025

Present:

Councillors Mitchell, K, Williams, R and Holland.

Also Present:

Legal Advisor, Principal Licensing Officer and Democratic Services Officer (JM).

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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

Following discussion, it was determined that the applications under items 4, 5, and 6 on the agenda would not involve the disclosure of exempt information as defined in Paragraph 1 of Part 1, Schedule 12A of the Local Government Act of 1972, so the meeting should continue under Part 1 and that the press and public not be excluded from this meeting.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

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APPLICATION TO RENEW HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE OVER 10 YEARS OLD

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 requirement under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented the report for an application to renew a licence in relation to a Hackney Carriage Toyota Yaris, which was over 10 years old. The vehicle was first registered on 30 June 2015. The Applicant submitted a current MOT dated 18 June 2025 with a mileage of 110,884. An independent mechanical inspection report, was also submitted, dated 18 June 2025, along with photographs of the vehicle. The vehicle was inspected by a council officer and was found to be in reasonable condition for its age.

The Applicant spoke in support of his application making the following comments:

- all previous MOT failures had been wear and tear and nothing serious;
- he did not drive that much anymore due to his age;
- both passengers and himself were happy with the car;
- he took customers anywhere, nationwide; and
- he had had no complaints about the car.

In response to questions from Members, the Applicant made the following comments:

- the car was typically serviced in between MOTs but he could not remember when the last one had been;
- any failure, or advisories identified by the garage during the MOT were repaired immediately;
- he did what he could to look after the car and inspected the tyres, oil and water once a week;
- he would replace the car if it was causing him trouble or became unsafe for the public; and
- he was not planning on replacing his car due to his age.

RESOLVED that the application for the renewal of a licence relating to a Hackney Carriage Vehicle over 10 years old be approved for 12 months, subject to a condition that the vehicle will have an MOT every six months from the date of the last MOT and that this must be evidence to the Council's Licencing Department.

TOWN POLICE CLAUSES ACT 1847

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HEARING TO DETERMINE WHETHER A HOLDER OF 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 driver 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 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Legal Advisor stated that evidential burden was not on the Licensed Driver to prove he was fit and proper but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licensed Driver was no longer 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 and gave evidence in respect of the application.

The Licensed Driver gave spoke in support of his application making the following comments:

- he was not aware he needed to report a conviction immediately;
- he understood the high standards for licenced drivers and that the public must feel safe and confident in their driver;
- the altercation had occurred at a difficult time in his life;
- he had taken steps to change his behaviour; and
- there had been a reduction in working hours to help manage stress levels.

In response to questions from Members and the Legal Advisor, the Licensed Driver made the following comments:

- he had not been in trouble for as long as he had lived in England;
- not reporting his conviction was an honest mistake and he was sorry;
- there had been good engagement with the rehabilitation activity requirements;
- the conviction did not cause any threat to the public;
- the rehabilitation activity requirement would continue for 1 year and 8

- months;
- there had been no other complaints against him; and
- this was his only form of income, and he was willing to take any help that could be offered by the Council.

RESOLVED that the Licensing Sub-committee was satisfied that the Licensed Driver was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle but a written warning and 6 penalty points would be issued in accordance with the Council's Taxi Policy for failure to notify the Licensing Authority of a conviction at the time of the incident, and 12 for unsatisfactory behaviour or conduct of a driver, totalling 18 penalty points. The Licensed Driver must also attend anger management training approved by the Principal Licensing Officer within four weeks.

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HEARING TO DETERMINE WHETHER A HOLDER OF 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 prior to renewal of the drivers licence 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 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Legal Advisor stated that evidential burden was on the Applicant to prove on the balance of probabilities he was fit and proper person to hold a taxi drivers licence. 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 and gave evidence in respect of the application.

The Applicant gave spoke in support of his application making the following comments:

- this had all come from a mistake on his behalf;
- he had parked outside Ladysmith school when his wife had been pregnant; and
- he had not included his previous caution because he had misunderstood.

In response to questions from Members and the Legal Advisor, the Applicant made the following comments:

- he had made a mistake by not including the caution when he completed the application;
- the caution was due to an incident whilst working late at a takeaway;
- his DBS subscription had been cancelled because he missed a payment; and
- lots of the licenced drivers had difficulties with reading and writing in English.

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 but a written warning would be given, as well as the condition that he must attend a taxi driver proficiency course as agreed by the Principal Licensing Officer before his licence was approved. 6 points would be added to his licence after approval for failing to notify the Licensing Authority of the conviction.

(The meeting commenced at 10.06 am and closed at 1.07 pm)

Chair