

## **LICENSING COMMITTEE**

12 June 2007

### **Present:**

Councillor Richard Branston (Chair)

Councillors Cole, Mrs Danks, Newby, Robson, P A Smith, R Smith, Shepherd, Sterry and Wadham

Head of Legal Services, Member Services Officer (HB), Licensing Solicitor and Senior Licensing Officer (IL)

### **72. Minutes**

The minutes of the special meetings held on 27 February 2007, 2 March 2007 (am and pm) and the meeting held on 20 March 2007 were taken as read and signed by the Chair as correct.

### **73. Declarations of Interest**

The following Member declared a personal (\*prejudicial) interest as indicated:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Sterry	Min. No. 79* (knew applicant)

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### **74. Proposed changes to conditions relating to Hackney Carriage and Private Hire Drivers and Vehicle Conditions**

The Senior Licensing Officer presented the report seeking approval for consulting with the representatives of the Hackney Carriage and Private Hire trade with a view to adopting the elements of the Best Practice guidance issued by the Department for Transport in 2006. A copy of the document had been circulated separately to Members and the trade representatives. If considered appropriate, the Committee could adopt guidance which contained elements going beyond the standards set within the Best Practice proposed.

### **RESOLVED that:-**

- 1) the trade be consulted on the adoption of the Best Practice guidance; and
- 2) the consultation be undertaken between 2 July 2007 and 28 September 2007 for a report on the findings to be brought back to a future meeting of this Committee.

(Report circulated)

**75. Disability Discrimination Act 2006 - Training of Hackney Carriage and Private Hire Drivers**

The Senior Licensing Officer presented the report seeking approval for a new requirement to be included in the Hackney Carriage and Private Hire driver licence pre-conditions to require all new applicants to undertake disability awareness training prior to a licence to drive being issued.

The Chair thanked those Members who had sat on the working group reviewing this matter.

**RESOLVED** that, with effect from 3 September 2007:-

- 1) all new applicants be required to undertake a disability awareness training session with the Living Options Organisation or other Council approved body and to produce a certificate to demonstrate that a level of competence had been achieved; and
- 2) all existing drivers be required to attend disability awareness training sessions as and when directed by the Senior Licensing Officer, with any person failing to attend when required without good reason being referred to the Licensing Sub Committee to determine the appropriate action, which may include suspension of the Hackney Carriage or Private Hire Vehicle Licence.

(Report circulated)

**76. 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**

**77. Appeal Against Refusal to renew license of a private hire vehicle driver**

The Licensing Solicitor presented a report on the outcome of an appeal brought by Mr S by way of complaint against the refusal to renew his Private Hire Driver's Licence under section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that he was not a fit and proper person to hold such a licence.

The Licensing Solicitor outlined the background to the events leading up to the appeal and informed the Committee that the appeal by way of complaint had been withdrawn

before the Central Devon Magistrates' Court on 4 April 2007 without the need for the parties to attend and with no order for costs being made.

Members noted the report.

(Report circulated to Members)

**78. Appeal against suspension of hackney carriage driver's license**

The Licensing Solicitor presented a report on the outcome of an appeal brought by Mr M by way of complaint against the suspension of his Hackney Carriage Driver's Licence under section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

Members noted the outcome of the appeal brought by way of complaint.

(Report circulated to Members)

**79. Application for a Hackney Carriage Vehicle Licence**

Councillor Sterry declared a personal and prejudicial interest as she knew the applicant and left the meeting during consideration of this matter.

The Senior Licensing Officer reported that Mr A. had applied for a Hackney Carriage Vehicle Licence.

Mr A attended the meeting and spoke in support of his application. He stated that securing a license would enable him to work independently of existing companies.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr A be refused: the Licensing Committee were satisfied with the conclusion of the Transport Planning (International) Limited survey (published in November 2006) that there was no significant unmet demand for hackney carriages in Exeter and on the basis of that finding had resolved to maintain a policy of quantity control on the number of licensed hackney carriages in Exeter; the Committee considered this application carefully and concluded that the applicant had produced no evidence to cast doubt on the survey findings or to persuade the Committee that a licence should be granted in this case.

(Report circulated to Members)

**80. Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr A had applied for a Hackney Carriage Vehicle Licence.

Mr A attended the meeting and spoke in support of his application. He stated that he was seeking a license as, having experienced two racially motivated attacks, he felt that a Hackney Carriage would afford greater protection as the security screen between passenger and driver would afford some personal protection. He was

reluctant to use saloon cars with protective barriers as he felt that they were unpopular with the public.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr A be refused: the Licensing Committee were satisfied with the conclusion of the Transport Planning (International) Limited survey (published in November 2006) that there was no significant unmet demand for hackney carriages in Exeter and on the basis of that finding had resolved to maintain a policy of quantity control on the number of licensed hackney carriages in Exeter; the Committee considered this application carefully and concluded that the applicant had produced no evidence to cast doubt on the survey findings or to persuade the Committee that a licence should be granted in this case.

(Report circulated to Members)

81. **Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr P had applied for a Hackney Carriage Vehicle Licence.

Mr P did not attend the meeting.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr P be refused: the Licensing Committee were satisfied with the conclusion of the Transport Planning (International) Limited survey (published in November 2006) that there was no significant unmet demand for hackney carriages in Exeter and on the basis of that finding had resolved to maintain a policy of quantity control on the number of licensed hackney carriages in Exeter; the Committee considered this application carefully and concluded that the applicant had produced no evidence to cast doubt on the survey findings or to persuade the Committee that a licence should be granted in this case.

(Report circulated to Members)

82. **Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr R had applied for a Hackney Carriage Vehicle Licence.

Mr R attended the meeting and spoke in support of his application. He stated that he believed that there was now a greater overall demand for taxis in the City as a result of recent re-development.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr R be refused: the Licensing Committee were satisfied with the conclusion of the Transport Planning (International) Limited survey (published in November 2006) that there was no significant unmet demand for hackney carriages in Exeter and on the basis of that finding had resolved to maintain a policy of quantity control on the number of licensed hackney carriages in Exeter; the Committee considered this application carefully and concluded that the applicant had produced no evidence to

cast doubt on the survey findings or to persuade the Committee that a licence should be granted in this case.

(Report circulated to Members)

The meeting commenced at 2.30 pm and closed at 3.40 pm

Chair