

REGULATORY & APPEALS COMMITTEE

30 SEPTEMBER 2019

Present:

Councillors Russell and Haines

Apologies:

Councillors J Petherick, Hayes, Austen, Evans and Kerswell

Officers in Attendance:

Marie Downey, Solicitor

Trish Corns, Democratic Services Officer

Debbie Rosenfeldt, Licensing Assistant

54. ELECTION OF CHAIRMAN

Resolved

That Councillor Russell be elected Chairman for the meeting.

55. DECLARATIONS OF INTEREST.

None

**56. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 -
EXCLUSION OF PRESS AND PUBLIC**

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 the Press and public be excluded from the meeting for the following item at minutes 58 and 59 below on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

**57. APPLICATION FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE
KLZ 166**

Consideration was given to a request to display a small plate for a Specialist Vehicle Private Hire vehicle Chrysler 300c, registered September 2012

The Committee adjourned to inspect the vehicle.

Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'Subject to the provisions of this Part of the Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a

licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such a manner as the district council shall prescribe by condition attached to the grant of licence’.

The Council’s requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, paragraph 9.4 on page 27, as set out in the report circulated with the agenda.

The applicant explained the nature of his work, and was able to demonstrate the need to display a small licence plate on the outside of his vehicle, given the specialist service that his business entails.

The Vehicle passed an MOT June 2019, and has a valid licence until 9 September 2020.

It was agreed that the Licensing Officer would confirm the small plate’s location on the vehicle with the applicant.

Resolved

The application to display a small plate on vehicle Chrysler 300c, registration KLZ 166 be authorised.

Reasons for Decision

Having heard the applicant’s description of his business and the work that it entails, and the available options advised by the Licensing Officer, the Committee considered the resolution above would be best suited to the applicant whilst meeting the Council’s licensing responsibilities.

58. HACKNEY CARRIAGE DRIVER APPLICATION FOR LICENCE

Consideration was given to an appeal against the refusal of an application for a Hackney Carriage Drivers’ Licence.

At the meeting, the Legal Adviser set out the procedure for the Hearing which included the opportunity for the appellant to address the Committee to establish if, the appellant was deemed a ‘fit and proper person’ to hold a Hackney Carriage Drivers’ Licence.

The Licensing Officer introduced the report circulated with the agenda, which detailed why the appellant was not granted a licence. Additional information was circulated at the meeting, and the appellant addressed the meeting.

The Committee carefully considered all written submissions, and oral evidence provided at the Hearing and considered the case in line with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 which provides that ‘a *District Council shall not grant a licence to drive a Private Hire vehicle (a) unless*

it is satisfied that the applicant is a fit and proper person to hold a driver's licence', and also in line with the Council's Hackney Carriage and Private Hire Policy.

Resolved

The appeal be upheld and a 12 month licence be approved, subject to a complete satisfactory medical report is provided.

Reason for the Decision

The case was considered on its own merits and whilst the decision means that the Committee is deviating away from Council Policy, it was satisfied that on the evidence provided at the Hearing, that the appellant sufficiently demonstrated that he is a fit and proper person. The Committee considered there were no grounds to dismiss the appeal, and the application was approved.

59. COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE APPLICATION

Consideration was given to an appeal against the refusal of an application for a combined Hackney Carriage and Private Hire Drivers' Licence.

At the meeting, the Legal Adviser set out the procedure for the Hearing which included the opportunity for the appellant to address the Committee to establish if, the appellant was deemed a 'fit and proper person' to hold a combined Drivers' Licence.

The Licensing Officer introduced the report circulated with the agenda, which detailed why the appellant was not granted a licence. Additional information was circulated at the meeting, and the appellant addressed the meeting.

The Committee carefully considered all written submissions, and oral evidence provided at the Hearing and considered the case in line with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 which provides that '*a District Council shall not grant a licence to drive a Private Hire vehicle (a) unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence', and also in line with the Council's Hackney Carriage and Private Hire Policy.*

Resolved

The appeal be upheld and a licence be approved.

Reason for the Decision

The case was considered on its own merits and whilst the decision means that the Committee is deviating away from Council Policy, it was satisfied that on the evidence provided at the Hearing, that the appellant sufficiently demonstrated that he is a fit and proper person. The Committee considers there are no grounds to dismiss the appeal, and the application is approved.

CLLR S RUSSELL
Chairman