

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 22 SEPTEMBER 2022

Present:

Councillors Bradford, J Petherick, Goodman-Bradbury and Clarence

Apologies:

Councillors Russell

Officers in Attendance:

Licensing Manager
Solicitor

6. APOLOGIES

Apologies from Councillor Russell.

7. ELECTION OF CHAIR

Cllr Goodman-Bradbury was elected as Chair for the meeting.

8. DECLARATIONS OF INTEREST (IF ANY)

None.

9. MINUTES

The Minutes of the meeting held on 21 June 2022 were approved as a correct record and signed.

10. EY55 OUD REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS FOR A VEHICLE OVER 10 YEARS

On 22 September 2022, the Licensing and Regulatory Sub-Committee was asked to consider an application for a Hackney Carriage Vehicle Licence Extension for a Volkswagen Sharan Vehicle Registration EY55 OUD. The licence would expire on 24 September 2022 and the car is 17 years old.

The Sub-Committee noted the information provided in the agenda report, which included that the vehicle's current MOT certificate would expire on 7 January 2023. All advisories and the minor defect were addressed.

At the Hearing the Sub-Committee were advised that the vehicle passed its annual taxi inspection test on 14 September 2022. All issues were addressed other than the

correct tariff calibration which would be set should the vehicle extension be granted. The Applicant did not attend the Hearing.

The Sub-Committee was satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

It was proposed by Councillor Goodman-Bradbury, seconded by Cllr Bradford and the following decision was unanimous.

Decision

The Sub-Committee grants a 12 month Hackney Carriage Vehicle Licence Extension as detailed in the agenda report, with the conditions that the vehicle undergoes four monthly vehicle inspection tests due to the age and mileage of the vehicle, and that the correct tariff calibration is set.

11. YS12 UHJ REQUEST FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 10 YEARS

On 22 September 2022, the Licensing and Regulatory Sub-Committee was asked to consider an application for a Hackney Carriage Vehicle Licence Extension for a Ford Mondeo Vehicle Registration YS12 UHJ. The licence would expire on 9 October 2022 and the car is one month over 10 years old.

The Sub-Committee noted the information provided in the agenda report, which included that the vehicle's current MOT certificate would expire on 3 October 2023 having recently passed the MOT. At the Hearing the Sub-Committee were advised that the vehicle had its annual taxi inspection test on 21 September 2022, but which raised concerns regarding non safety issues of various untidy bodywork of scuffing and damages. The Vehicle is booked in for 18 October 2022 to have the body work issues rectified. The Applicant did not attend the Hearing.

The safety of the vehicle overrides appearance, however, the Sub-Committee considered that the poor appearance of the vehicle reflected on the Council as Licensing authority and that these issues should be rectified on 18 October 2022. Mindful that the licence would expire on 9 October 2022 and that the vehicle was in a good and sound condition other than the bodywork Members were satisfied that public safety would not be compromised by the granting of the licence sought.

It was proposed by Councillor Goodman-Bradbury, seconded by Cllr Bradford and the following decision was unanimous.

Decision

The Sub-Committee grants a 12 month Hackney Carriage Vehicle Licence Extension as detailed in the agenda report, with the conditions that the body work issues are rectified by 18 October 2022, and that the vehicle undergoes four monthly vehicle inspection tests due to the issues that have arisen with the bodywork.

12. RO15 YWL REQUEST FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS

The sub-committee noted that the vehicle had been withdrawn.

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

It was proposed, seconded and unanimously agreed that the Sub-Committee move into Part II.

14. DETERMINATION OF CONTINUANCE OF PERSONAL LICENCE APPLICATION

The Sub-Committee gave consideration to the agenda report presented by the Licensing Manager (previously circulated) in which determination was sought in respect of the Review of a Personal Licence.

The Licence Holder did not attend the meeting in person and did not make any written submissions for consideration by the Sub-Committee.

Arising from consideration of the agenda report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Goodman-Bradbury and seconded by Councillor Petherick, and unanimously

RESOLVED

That the Personal Licence be revoked under Section 132A (3) of the Licensing Act 2003, in order to promote public safety due to the conduct of the personal Licence Holder as set out in the agenda report, because the Sub-Committee felt there was reasonable cause to support its view that they were not a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the agenda report in relation to the conduct of the licence holder, particularly that they were convicted on 28 April 2022, of a relevant offence of driving whilst under the influence of alcohol, and that they had failed to disclose this to the Council as Licensing Authority. This failure significantly concerned the Sub Committee Members because personal licence holders are in a responsible position, often managing other employees of a licenced premises. Members expressed concern to the nature the offence for which the licence holder was convicted being related to alcohol. Members noted that at the time of the conviction the licence holder had only held a personal licence for a short period of time, this conviction and failure to disclose the conviction is considered irresponsible.

It is a condition on the grant of a personal licence that any licence holder appearing before a court on charges relating to a relevant offence, such as in this case, produces the licence to the court or if the licence cannot be produced the licence holder MUST notify the court that they are a personal licence holder. There is a further requirement

to notify the Licensing Authority of any conviction of a relevant offence. The licence holder failed to carry out this notification duty.

Members therefore considered the licence holder as a person who showed disregard for upholding the law, not to be a responsible person, and not a fit and proper person to hold a Personal Licence.

Cllr Goodman-Bradbury
Chair