

LICENSING AND REGULATORY SUB-COMMITTEE

WEDNESDAY, 9 NOVEMBER 2022

Present:

Councillors Clarence, Evans and Goodman-Bradbury (Vice-Chair)

Officers in Attendance:

Licensing Officer

Legal Assistant

Licensing Assistant

18. APOLOGIES

None.

19. DECLARATION OF INTEREST (IF ANY)

None.

20. MINUTES

The Minutes of the meetings held on 22 September 2022 and 12 October 2022 were approved as a correct record and signed by the Chair.

21. REQUEST FOR PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS - KP66 FYB

On 9 November 2022, the Licensing and Regulatory Sub-Committee was asked to consider an application for a new Private Hire Vehicle Licence for a Mercedes Benz vehicle registration KP66 FYB.

The Sub-Committee noted the information provided by way of the report and heard representations from the Applicant. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 20 July 2023 with 3 advisories. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 12 October 2022 with no advisories.

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.

Decision

Accordingly, the Sub-Committee granted the 12 month Private Hire Vehicle Licence as detailed in the report with no additional conditions.

22. REQUEST FOR HACKNEY CARRIAGE VEHICLE LICENCE OVER 5 YEARS - LL65 WOX

On 9 November 2022, the Licensing and Regulatory Sub-Committee was asked to consider an application for a new Hackney Carriage Vehicle Licence for a Mercedes E Class Estate vehicle registration LL65 WOX.

The Sub-Committee noted the information provided by way of the report and heard representations from the Applicant. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 28 August 2023 with no advisories. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 25 October 2022 with no advisories.

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.

Decision

Accordingly, the Sub-Committee granted the 12 month Hackney Carriage Vehicle Licence as detailed in the report with no additional conditions.

23. 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 items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1,2 and 5 of Part 1 of Schedule 12A of the Act.

24. APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

On 9 November 2022, the Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of an application for a new Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Applicant attended the meeting in person and answered questions from the Sub-Committee.

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

RESOLVED unanimously that the application for a new Hackney Carriage and Private Hire Vehicle Drivers Licence be refused under Section 51(1)(a) and Section 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, in order to

promote public safety due to the conduct of the Applicant as set out in the Report, as the Sub-Committee felt there was reasonable cause to support its view that the Applicant was not a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the Report relating to the Applicant's previous convictions. The Sub-Committee noted the severity and number of the offences and heard that whilst the convictions were spent, they are still considered relevant as the driving of taxis is a 'Regulated Occupation'. As such questions may be asked as to the suitability of an individual to be granted a licence. The Sub-Committee heard from the Licensing Officer that the applicant had not provided further information about the convictions before the committee when requested.

The Committee thanked the Applicant for appearing before them and noted that they appeared remorseful and wanted to be given an opportunity to prove themselves and to be able to provide for their family (although this was not a material consideration).

However, all factors combined meant that the Sub-Committee did not consider that the Applicant was a fit and proper person. The Sub-Committee were concerned with the number of convictions and also the severity as licensed drivers are in a responsible position and are required to transport the general public in their vehicle including children, the vulnerable and the elderly and often alone.

The Sub-Committee were also concerned that the Applicant had not disclosed the convictions on the application and had not spoken to the Licensing Team to clarify any potential misunderstandings as to whether they should list these. Whilst they accepted the Applicant's explanation, the Sub-Committee felt it was also a concern that there were inconsistencies with the Applicant's name and date of birth which appeared on the DBS check.

Applying the test of whether Members of the Sub-Committee would be happy for a person they cared about or a vulnerable person to travel alone in a vehicle with the Applicant, it was concluded after significant deliberation that they would not.

The Sub-Committee noted its overriding duty to the public, and of the importance of protecting the public and public safety and considered that, on balance, there was cause to show that the Applicant was not a fit and proper person to hold a Licence.

The Sub-Committee therefore considered given the circumstances of this case that it be reasonable and proportionate to refuse the application for a new Hackney Carriage and Private Hire Vehicle Drivers Licence.

Cllr Goodman-Bradbury
Chair