

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 3 AUGUST 2023

Present:

Councillors Dawson (Vice-Chair), Gearon and Hayes (Chair)

Officers in Attendance:

Licensing Officer

Legal Officer

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST (IF ANY)

None.

3. REQUEST FOR PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS AND SMALL PLATE - EXZ 599

The Committee considered an application for a new Private Hire Vehicle Licence and Small Plate request for a Mercedes CDI Auto vehicle registration EXZ 599.

The Sub-Committee noted the information provided by way of the report and heard from the Applicant. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 11 July 2024, with no advisories. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 12 July 2023.

The Sub-Committee were 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 6 monthly vehicle inspections due to the age of the vehicle along with approving the use of a small plate.

4. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 5 YEARS - GY65 OMU

The Committee considered an application for a new Hackney Carriage Vehicle Licence for a BMW Sport vehicle registration GY65 OMU.

The Sub-Committee noted the information provided by way of the report and heard from the Applicant. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 29 January 2024, with no advisories. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 31 July 2023.

The Sub-Committee were 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 6 monthly vehicle inspections.

5. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - SN13 NWJ

The Committee considered an application for a Hackney Carriage Vehicle Licence Extension for a Mercedes E250 vehicle registration SN13 NWJ.

The Sub-Committee noted the information provided by way of the report and heard from the Applicant. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 8 April 2024, with three advisories. The Sub-Committee were informed that the vehicle failed its annual taxi inspection test on 2 August 2023 due to the meter not working correctly.

The Sub-Committee were 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 subject to the meter being fixed, re-tested and the Licensing Officer being satisfied the vehicle is fixed along with 6 monthly vehicle inspections.

6. 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 paragraphs 1,2,5 and 7 of Part 1 of Schedule 12A of the Act.

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

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 he answered questions put to him by the Sub-Committee. The Applicant was accompanied by his agent who advised him during the meeting.

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

RESOLVED that the Applicant's 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, so as to promote public safety. The Sub-Committee felt that the conduct of the Applicant as set out in the Report, supported 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 previous convictions. The Sub-Committee noted that whilst his 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 Applicant regarding the circumstances that led to the convictions and accepted that these were a significant time ago. The Sub-Committee expressed some empathy to the Applicant but considered it inappropriate to go behind the court's decision.

The Sub-Committee noted that the convictions were not disclosed on either application made by the Applicant and asked why they had not been declared. The Applicant informed the committee that he had misunderstood the application form and did not think he was required to disclose the convictions as they had been spent.

The Committee thanked the Applicant for appearing before them and noted that he appeared remorseful. However, all factors combined meant that the committee did not consider that the Applicant was a fit and proper person.

The Sub-Committee were concerned that the Applicant had not disclosed the convictions on his application and had not spoken to the Licensing Team or the agent acting for him to clarify any potential misunderstandings as to whether he should list them.

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 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 Applicant's application for a new Hackney Carriage and Private Hire Vehicle Drivers Licence.

8. REVIEW OF HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of a review of a Hackney Carriage Driver's Licence.

The Driver did not attend the meeting in person and did not provide a written statement for the sub-committee nor was he represented.

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

RESOLVED that the Driver's Hackney Carriage Drivers Licence be revoked with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, in order to promote public safety due to the conduct of the Driver as set out in the Report. 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 Report relating to the Driver's alleged offence of driving a motor vehicle with alcohol level above limit. The Driver has pleaded Not Guilty and is due to stand trial.

The Sub-Committee heard from the Licensing Officer that the Licensing Team were informed by the police of the alleged offence and not by the Driver. It is a requirement of the Council's Licensing Policy that a licensee informs the licensing team of any arrest, charge and any motoring offences within 48 hours.

Licensing and Regulatory Sub-Committee (3.8.2023)

The sub-committee also heard that all attempts at contacting the Driver about this matter had been ignored.

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 Driver, it was concluded that they would not. The Sub-Committee noted its overriding duty to the public, and of the importance of protecting the public and of public safety and considered that, on balance, there was cause to show that the Driver 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 revoke the Driver's Hackney Carriage Driver Licence with immediate effect.

Cllr R Hayes
Chair