

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 19 OCTOBER 2023

Present:

Councillors Bradford, Hayes (Chair) and Sanders

Officers in Attendance:

Licensing Assistant

Licensing Officer

Legal Assistant

21. APOLOGIES

None.

22. MINUTES

The Minutes of the meetings held on 3 August 2023 and 24 August 2023 were unanimously approved and signed by the Chair.

23. DECLARATIONS OF INTEREST (IF ANY)

None.

24. REQUEST FOR A NEW HACKNEY CARRIAGE LICENCE FOR A VEHICLE OVER 5 YEARS - SY18 XVO

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 12 July 2024, with no advisories and that the vehicle passed its annual taxi inspection test on 20 September 2023 with no advisories.

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 new Hackney Carriage Vehicle Licence as detailed in the report with no additional conditions.

25. REQUEST FOR A SMALL PLATE - WJ23 OEA

The Sub-Committee considered photos of the vehicle, examples of sample plates and heard representations from the Applicant.

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.

Decision

The application to display a small plate on vehicle Skoda Kodiak, vehicle registration WJ23 OEA be approved.

Reason for Decision

Having considered the photos of the vehicle, read all written material, and listened to the representation by the Licensing Officer and having heard what the applicant's work entails, the Sub-Committee considered the resolution above would be best suited to the applicant whilst meeting the Council's licensing responsibilities.

26. 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.

27. REQUEST FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee considered a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of an application for a new Hackney Carriage Driver's Licence

The Applicant attended the meeting in person, and answered questions put to them by 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 Hayes and seconded by Councillor Sanders, and

RESOLVED that the application for a new Hackney Carriage Drivers Licence be granted under Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee felt that the conduct of the Applicant as set out in the Report, supported its view that they were 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 and the reasons why their application for a licence was previously refused. The Sub-Committee noted that whilst the Applicant's 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 Applicant answered questions from the Sub-Committee relating to their previous driving experience, how they would deal with difficult situations. They also emphasized to the sub-committee that since regaining their licence had received no further points on this. Their enhanced DBS check had also been provided as required by the Council.

When considering the Council's Licensing Policy the sub-committee were mindful that each case must be decided on its own merits. Speeding offences are considered minor traffic offences under the Licensing Policy and if a driver is disqualified a Hackney Carriage or Private Hire vehicle driver's licence may be granted after the restoration of the DVLA licence once a period of 12 months has elapsed since the expiry of the disqualification.

The Committee thanked the Applicant for appearing before them and noted that they appeared remorseful and regretted what had happened. The Sub-Committee felt that the Applicant's attitude to the offences indicated that they were a fit and proper person to hold a licence. The Sub-Committee noted its overriding duty to the public, and of the importance of public safety but considered that, on balance, there was no cause to show that the Applicant was not a fit and proper person to hold a Licence.

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.

Taking the Council's Licensing Policy into consideration, along with the Applicant's submissions, the Sub-Committee considered given the circumstances of this case that it be reasonable to approve the new Hackney Carriage Drivers Licence for a year as set out in the report. The Sub-Committee stressed the importance of reporting any incidents to the Licensing Team as they happened in accordance with the Council's Licensing Policy and that should there be any concerns raised about the Applicant's conduct they could be brought back before the Sub-Committee.

Cllr R Hayes
Chair