

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 12 DECEMBER 2024

Present:

Councillors Hayes (Chair), Sanders and Rollason

Apologies:

Councillors Dawson

Officers in Attendance:

Licensing Officer

Legal Officer

139. APOLOGIES

Apologies from Cllr Dawson.

140. DECLARATIONS OF INTEREST (IF ANY)

None.

141. MINUTES

The Minutes of the Meetings held on 30 September 2024, 28 October 2024 and 14 November 2024 were approved as a correct record and signed by the Chair.

142. REQUEST FOR PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS WITH SMALL PLATE - LN67 JVG

The Sub-Committee noted the information provided by way of the report, in particular that the vehicle's MOT expires in November 2025 with no advisories, and it had passed its depot inspection test with advisories which have now all been fixed. The Applicant was in attendance and answered questions put to him by the committee. The Applicant confirmed that the vehicle has recently been bought and had a new MOT with new tyres, brakes etc fitted. The vehicle would be used primarily for weddings and so a smarter vehicle fitted with a discreet plate was preferable for this.

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 Private Hire vehicle licence with a 6 month review along with granting the small plate request as it was felt this would be most suitable for the applicant due to the nature of the work the vehicle will be used for whilst still meeting the Council's licensing obligations.

143. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - FM12 CUY

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT expires in October 2025 with 1 minor defect and 2 advisories, and that it passed its depot inspection test on 28 November 2024, with 2 advisories. The Applicant was not in attendance and did not send a representative. The Sub-Committee noted that the tyres and suspension appeared as advisories on the MOT more than once and asked that the Applicant keep an eye on these.

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 Hackney Carriage vehicle extension for a further 12 months but added an additional condition of 4 monthly taxi inspection tests due to the age of the vehicle and to monitor the advisories listed.

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

It was proposed by Cllr Hayes and seconded by Cllr Rollason that the meeting move into Part II for the following agenda item. The vote was unanimous.

RESOLVED – that the meeting move into Part II for the following agenda item.

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

The Applicant attended the meeting in person and he answered questions put to him 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 Rollason, and

RESOLVED that the application for a new combined Hackney Carriage / Private Hire Drivers Licence be granted under Section 51 (1)(a) and 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 and supporting documents, along with representations made, supported the Sub-Committee's view that the applicant is 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 revocation by a neighbouring authority of the Applicant's taxi licence and the reasons for that. The Sub-Committee also noted that the Applicant had received a 6 month driving ban that

ended in September 2023, due to the totting up of points received for speeding. The Sub-Committee noted that the conviction is 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.

In response to questioning the Applicant explained to the Sub-Committee that there had been a series of events which had resulted in the loss of his previous taxi licence. The Applicant had been in an accident which had resulted in the loss of his vehicle. He was lucky to be alive and this is why he had not informed the previous Local Authority of the accident within 72 hours as their policy requires, although he did inform them eventually.

The Applicant further went on to explain the reason that he had not submitted documents to the previous local authority was due to visiting his immediate family abroad for an extended period. There is very poor internet connection where his family live and he had missed the reminder emails and deadline for submitting the various documents. He acknowledged that this was no excuse, apologised and promised that it would not happen again were he to be granted a licence. The Licensing Officer then confirmed to the Sub-Committee that all required documentation had been received for this application.

The Applicant also clarified that there was some confusion and he had remained with the same operator when he was abroad for a few months. He did not notify the previous local authority as he did not realise that he had to when he had not changed operators. In the future, he will make sure to do so if he goes away for an extended period of time.

In response to questions about the speeding points, the Applicant stated he had points but was unable to do a speed awareness course, as such when he had received further points, he was banned. He attended court when he returned from being abroad. Again, he regrets this happened and is happy for any additional checks to be made on him at any point if it will help support his application. The Applicant explained that he is supporting his wife as well as putting two children through university, they are all living abroad and so he is desperate to be able to taxi again to continue supporting them.

The Sub-Committee thanked the Applicant for appearing before them and for answering their questions. The Sub-Committee noted the Applicant's history and that up until very recently he appeared to have given the previous local authority no cause for concern. It was noted that there appeared to be a few things that went wrong for the Applicant at the same time which all contributed to the loss of his licence. The Sub-Committee empathised that following a serious car accident the Applicant may not have been in a position to notify the authority within the usual time frame, especially if he has no family in the country to help him.

The Sub-Committee also noted that the Applicant had been honest on his application to Teignbridge and had supplied all documents as required. People have deliberately tried to deceive the Licensing Authority before and it did not feel that this was the case here. The Sub-Committee did note that the Applicant had been driving for some years and so should have been fully aware of the requirements to hold a licence but accepted that he has now taken the steps to remedy this and had given assurances this would not happen again.

The Sub-Committee also considered that the Applicant had completed a 6 month driving ban for speeding, had received no further points and the Licensing Authority should not seek to punish further and should acknowledge the efforts made by the Applicant to move forward.

The Sub-Committee understood that the Applicant had previously worked as a taxi driver and wanted to get back to this to support his family. Whilst a person's livelihood and impact on family is not a consideration to be taken into account, the Sub-Committee could understand the Applicant's desire to support them. The Sub-Committee felt that the Applicant had shown good character before them and seemed honest in his desire to show he was a fit and proper person and suitable 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 be. The Sub-Committee noted its overriding duty to the public, and of the importance of public safety and considered that, on balance, there was no cause to show that the Applicant was not a fit and proper person to hold a Licence.

The Sub-Committee considered Government guidance along with guidance from the Institute of Licensing that a licence not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban, but felt on this occasion the Applicant had shown sufficient remorse and understanding of the severity of the offence committed.

The Sub-Committee therefore considered given the circumstances of this case that it be reasonable to grant the Applicant's request for a new combined Hackney Carriage / Private Hire Drivers Licence for one year. The Sub-Committee stressed to the Applicant that if there was any cause for concern then he could be put back before the Sub-Committee and have his licence reviewed.

Cllr R Hayes
Chair