

REGULATORY & APPEALS COMMITTEE

25 MARCH 2019

Present:

Councillors Dennis (Chairman), Hockin (Vice-Chairman), Austen, Cook and Prowse

Members in Attendance: Councillors Bullivant

Apologies: Councillors Evans

Officers in Attendance:

Marie Downey, Solicitor

Andrea Furness, Licensing Manager

Trish Corns, Democratic Services Officer

12. MINUTES

The Minutes of the meeting held on 25 February 2019 were approved as a correct record and signed by the Chairman.

13. DECLARATIONS OF INTEREST.

There were no declarations of interest.

14. REQUEST RENEW AND EXTEND A HACKNEY CARRIAGE VEHICLE

The Committee Members inspected the vehicle and consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence, as set out in the report.

Section 43 of the Town Police Clauses Act 1847, provides that a Private Hire/ Hackney Carriage Vehicle Licence may only be in force for a maximum period of one year. The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old.

However, the Council has discretion to continue to licence vehicles which are older than ten years, provided that, the Council is satisfied that such a vehicle is in a good condition and good state of repair, and that it passes the appropriate testing standard. The Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Licensing Officer presented the report stating that the vehicle was a Ford S-Max, BD57 ZHN which had been first registered on 30 November 2007 and

would be 11 years and 3 months old, if granted. The current Hackney Carriage licence expired on 5 March 2019. Works required to the vehicle had been undertaken. The vehicle had passed a taxi test on 12 March 2019.

The Applicant's representative was in attendance and addressed Members in support of the application.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Resolved

The Ford S-Max Registration BD57 ZHN be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject to four monthly taxi tests.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant's representative and the Licensing Officer, the Regulatory & Appeals Committee is satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it is considered the vehicle is fit for use for the general public and paying customers.

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Section 43 of the Town Police Clauses Act 1847, provides that a Private Hire/ Hackney Carriage Vehicle Licence may only be in force for a maximum period of one year. The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old.

However, the Council has discretion to continue to licence vehicles which are older than ten years, provided that, the Council is satisfied that such a vehicle is in a good condition and good state of repair, and that it passes the appropriate testing standard. The Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Licensing Officer presented the report stating that the vehicle was a Volkswagen Sharan, WJ07 WXY which had been first registered on 15 March 2007 and would be 11 years and 11 months old, if granted. The current Hackney Carriage licence expired on 15 March 2019. Works required to the vehicle had been undertaken. The vehicle passed a taxi test on 18 March 2019.

The Applicant's representative was in attendance and addressed Members in support of the application.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Resolved

The Volkswagen Sharan, Vehicle Registration WJ07 WXY be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject to six monthly taxi tests.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant's representative and the Licensing Officer, the Regulatory & Appeals Committee is satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it is considered the vehicle is fit for use for the general public and paying customers.

16. EXCLUSION OF PRESS AND PUBLIC

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 they involved the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Part 1 of Schedule 12A of the Act.

17. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Chairman welcomed all those present and introduced the Committee.

The Solicitor set out the procedure for the Hearing. The Licensing Officer also introduced a report which detailed an appeal against the decision to refuse an application for a Private Hire Drivers' Licence. The Committee carefully considered the report and the associated appendices and representations, together with the oral and written evidence provided at the Hearing.

The Applicant and his representative was in attendance in support of the appeal.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Upon reconvening it was announced

Resolved

That the application in respect of a Private Hire Licence be approved, and the appeal be upheld.

Reason for the Decision

In regard to the decision to refuse or approve the Private Hire Licence, the Committee is satisfied that on the evidence provided at the Hearing, and written submissions, that the applicant has sufficiently demonstrated that he is a

reformed character, and is deemed to be a fit and proper person. By a majority decision, the Committee considered there were no grounds to dismiss the appeal and the application for a licence was approved.”

18. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Committee referred to the report circulated with the agenda on an appeal against the decision to refuse an application for a combined hackney carriage and private hire drivers’ licence.

The applicant was not present at the Hearing.

Decision

Consideration of the appeal be deferred until the next meeting of the Committee on 25 April, 2019.

Reason for the Decision

The Committee considered the Appellant should be given a further opportunity to be present or be represented at the Hearing.

CLLR CHARLIE DENNIS
Chairman