

LICENSING AND REGULATORY SUB-COMMITTEE

WEDNESDAY, 22 NOVEMBER 2023

Present:

Councillors Dawson (Vice-Chair), Gearon and Rollason

Officers in Attendance:

Legal Assistant

Licensing Assistant

28. APOLOGIES

None.

29. DECLARATIONS OF INTEREST (IF ANY)

None.

30. REQUEST FOR HACKNEY CARRIAGE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS - GJ18 BNF,

The Sub-Committee noted the information provided by way of the report and heard written representations from the Applicant. In particular the Committee noted the good condition of the vehicle, and that the MOT certificate expires on 19 July 2024 with one advisory. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 1 November 2023 with no advisories.

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

31. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - DY63 VKL,

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 14 November 2024, with two advisories and that following a retest the vehicle passed its annual taxi inspection test on 16 November 2023 with advisories. The Applicant was unable to attend due to work commitments but provided a written statement.

The Sub-Committee commented that care should be taken to regularly check and replace the tyres if needed but 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 Licence Extension as detailed in the report with the additional condition of 4 monthly taxi inspection tests due to the age of the vehicle and the listed advisories.

32. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - FJ63 LHT,

The Sub-Committee noted the information provided by way of the report and heard from the Applicant who was in attendance. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 14 September 2024, with no advisories and that the vehicle passed its annual taxi inspection test on 14 November 2023 with no advisories. The Sub-Committee also heard from the Applicant the reasons for wanting larger signage on the vehicle's windows.

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 grants the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition of a 6 month taxi inspection test due to the age of the vehicle. The Sub-Committee felt unable to grant the Applicant's request for larger signage on the windows at this time as Section 8.2.8 of the Council's Licensing Policy does not allow signage on the windows. However, the Sub-Committee explained to the Applicant that this is subject to change in the future as the policy is currently being updated to address this issue.

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

The Sub-Committee noted the information provided by way of the report and heard from the Licensing Officer that the 4 monthly taxi tests added as a condition at the previous sub-committee had not been completed. The Applicant was unable to attend due to work commitments and the Licensing Officer explained that the Applicant was remorseful and had said they had not received the reminders sent by the Licensing team and it was a genuine oversight. The Applicant also has a new vehicle ordered which they hope to licence early next year and so do not intend to apply for a renewal next year for this vehicle.

The Sub-Committee also noted that the vehicle's MOT certificate expires on 27 October 2024, with three advisories and that following a retest the vehicle passed its annual taxi inspection test on 21 November 2023 with advisories.

After some deliberation 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 Hackney Carriage Vehicle Licence extension as detailed in the report subject to 4 monthly vehicle inspections due to the age of the vehicle. If these inspections are not completed, then the matter could be referred back to the Sub-Committee.

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1,2 and 5 of Part 1 of Schedule 12A of the Act

35. REQUEST FOR A HACKNEY CARRIAGE DRIVER'S 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 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 not accompanied by a representative.

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 Rollason, and

RESOLVED that the application for a new Hackney Carriage Drivers Licence be refused under Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, so as to promote public safety. The Sub-Committee felt that the Applicant's conduct as set out in the Report, supported its view that the Applicant is 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 alleged conduct. Particularly that he had failed to disclose all of his convictions for

speeding and for driving with no insurance and had failed to provide annual DVLA check codes contrary to the Council's Licensing policy. The Sub-Committee noted that whilst some of 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 were also informed that the Applicant had not completed the required DBS check.

Members of the Sub-Committee questioned the Applicant as to why only one speeding offence from December 2020, had been declared on his application. The Applicant informed the committee that he wasn't sure why this had happened.

The Sub-Committee also questioned why the driving ban had not been disclosed when the application form makes it clear that all offences, spent and unspent, must be declared. The Applicant answered that he had not thought he needed to disclose them as he had already served the ban. The Sub-Committee further questioned why the Licensing Team had not been informed of the driving ban at the time as required by the Council's Licensing Policy. The Applicant answered that as he had told his employer and insurance provider, he did not think he needed to inform the Licensing Team.

The Sub-Committee then heard from the Applicant regarding the circumstances that led to the conviction for driving with no insurance. The Applicant explained that his father had paid his insurance for him but after he had passed away this had not been renewed and he had not realised the policy had lapsed until stopped by the police.

The Committee members thanked the Applicant for appearing before them and for answering their questions. However, all factors combined meant that the Sub-Committee did not consider that the Applicant was a fit and proper person.

The Sub-Committee was concerned that the Applicant had not disclosed the convictions on his application or when they first occurred and had not spoken to the Licensing Team or the agent acting for him to clarify any potential misunderstandings as to whether he should declare them. The Sub-Committee expressed some empathy for the Applicant in respect of the offence for driving with no insurance. However, it considered that this was not an excuse for not having the correct paperwork in place as that was an obligation that rested firmly with the Applicant. Such an abrogation of responsibility was considered supportive of the view that the Applicant was not a fit and proper person to hold a licence.

The Sub-Committee was also concerned with what appeared to be a lack of understanding and recognition of the severity of the situation and that the Applicant had been driving taxis for some years and yet did not fully understand what was required of him. The Sub-Committee felt this lack of understanding and remorse fell below what would be reasonably expected of someone who is responsible for the safety of passengers.

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 was also of the opinion that the granting of such a licence would be contrary to the establishment of a professional and respected Hackney Carriage and Private Hire trade. 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 application for a new Hackney Carriage Drivers Licence.

Cllr R Dawson
Chair

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