

## **LICENSING AND REGULATORY SUB-COMMITTEE**

**WEDNESDAY, 10 JULY 2024**

Present:

Councillors Gearon, Hayes (Chair) and Henderson

Officers in Attendance:

Licensing Manager

Legal Assistant

**98. APOLOGIES**

None.

**99. DECLARATIONS ON INTEREST (IF ANY)**

None.

**100. MINUTES**

The Minutes of the meeting held on 14 June 2024, were unanimously approved as a correct record and signed by the Chair.

**101. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - DX13 OVS,**

The Licensing and Regulatory Sub-Committee considered an application for a Hackney Carriage Vehicle Licence Extension for a Vauxhall Zafira vehicle registration DX13 OVS.

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 in May 2025, with 1 minor defect and 3 advisories and that the vehicle originally failed its annual taxi inspection test on 03 May 2024 and as such had been refused a vehicle licence extension at the sub-committee held on 15 May 2024. The vehicle was subsequently retested and passed its inspection on 16 May 2024 with advisories. The Applicant was unable to be in attendance but had provided a written representation.

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 however felt that the windscreen should be fixed as soon as possible with confirmation provided to the Licensing team.

**Decision**

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional conditions of the windscreen being fixed as soon as possible and 6 monthly taxi inspection tests to monitor the condition of the vehicle due to its age and additional advisories listed.

**102. REQUEST FOR PRIVATE HIRE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - EXZ 299**

The Licensing and Regulatory Sub-Committee considered an application for a Private Hire Vehicle Licence Extension for a Mercedes Benz vehicle registration EXZ 299.

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 in July 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 26 June 2024 with no advisories. The Applicant was in attendance and confirmed that vehicle is regularly serviced and is only used for a select few clients when completing airport runs and similar.

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 Private Hire Vehicle Licence Extension as detailed in the report with the additional condition of 6 monthly taxi inspection tests to monitor the condition of the vehicle due to its age.

**103. REQUEST FOR PRIVATE HIRE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - YC13 WND**

The Licensing and Regulatory Sub-Committee considered an application for a Private Hire Vehicle Licence Extension for a Vauxhall Zafira vehicle registration YC13 WND.

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 in August 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 9 July 2024 with no advisories. The Applicant was in attendance and confirmed that vehicle is regularly serviced and is only used for occasional jobs.

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 Private Hire Vehicle Licence Extension as detailed in the report with the additional condition of 6 monthly taxi inspection tests to monitor the condition of the vehicle due to its age.

**104. REQUEST FOR PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS - KJ19 AVV**

The Licensing and Regulatory Sub-Committee considered an application for a new Private Hire Vehicle Licence for a Citroen C3 vehicle registration KJ19 AVV.

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 in June 2025, with no advisories and that the vehicle failed its annual taxi inspection test on 05 July 2024. The vehicle has since been fixed and passed a retest with no further comments. The Applicant was unable to be in attendance but had provided a statement to be read to the sub-committee.

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 as detailed in the report with no additional conditions.

**105. 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 and 5 of Part 1 of Schedule 12A of the Act.

**106. APPLICATION FOR 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 an application for a new Hackney Carriage Vehicle Driver's Licence.

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

**RESOLVED** that the application for a new Hackney Carriage Vehicle Drivers Licence be refused under Section 59 (1)(a)(i) 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 they are 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 spent convictions along with the current licence endorsement MS90 - Failure to give information as to the identity of driver etc. The Sub-Committee noted that though the 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 been upfront about his convictions.

The Licensing Manager read out a statement from the Applicant's prospective employer who said he had known the Applicant for 20 years and considers them to be reliable and honest. If the licence is granted, then they will be given a job as a hackney carriage driver.

The Applicant explained to the Sub-Committee that the historic vehicle offences, which included driving with no insurance, driving whilst disqualified and theft from a motor vehicle, had happened over 20 years ago when they were younger. The Applicant has turned their life around and holds an SIA licence and works in maintenance in a holiday park where they are regularly around people's personal belongings. Since obtaining their driving licence in 2006 they have received no points until 2021, when the 6 points were received for failure to give information as to the identity of driver etc.

Members of the Sub-Committee considered the nature of the offence which again impugned the integrity of the Applicant. The Sub-Committee questioned the Applicant why they had received the points on their licence when they had not been the one who had been stopped by the police. The Applicant responded that their brother had borrowed their car and had been stopped by police for being on his mobile phone. He had then provided the Applicant's details including address as at the time they were both living at their parents' house. The Applicant said they received no correspondence at all and was unaware that their brother had been stopped and that the Applicant had subsequently been fined and given points for failing to provide details of who was driving. This only came to their attention when their employer said that they had received an Attachment of Earnings Order from the court. The Applicant said they were then unable to appeal due to being out of time. The Applicant's brother did not confess until asked and as such they no longer have much of a relationship.

The Sub-Committee 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 noted the Applicant's history and that the most serious offences had been committed when they were younger, and they had since worked to turn their life around. The Sub-Committee also noted that the Applicant had held a clean driving licence from 2006 until the most recent offence.

However, the Sub-Committee were not completely satisfied by the reasons given by the Applicant for having no knowledge of their brother being stopped by police and then also receiving no correspondence at all throughout the entire process. They were also uncertain as to why even though the time to appeal had run out, the Applicant had seemingly just accepted the points and fine and not sought to challenge these as soon as they were made aware of the error.

The Sub-Committee felt that the serious nature and number of offences committed when the Applicant was younger which all related to vehicle offences, along with the most recent licence endorsement, was evidence 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 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 Drivers Licence.

Cllr R Hayes  
Chair

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