

Licensing Committee

A meeting of Licensing Committee was held on Thursday, 23rd April, 2009.

Present: Cllr Bill Woodhead (Chairman); Cllr Jim Beall, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Alan Lewis, Cllr Mrs Ann McCoy, Cllr Maurice Perry, Cllr Roy Rix and Cllr Fred Salt.

Officers: M Vaines (DNS); J Nertney, P K Bell (LD).

Also in attendance: For agenda item 5 - Mr D Burgess (Representing Mrs Z F H); For agenda item 6 - Mr Z H.

Apologies: Cllr Mrs Eileen Craggs, Cllr Colin Leckonby, Cllr Dick Cains and Cllr Ken Dixon.

L Declarations of Interest

10/09

There were no interests declared.

L Exclusion of the Public

11/09

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the 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 paragraph 1 of Part 1 of Schedule 12A of the Act.

L Application For Hackney Carriage Vehicle Licence - Mr MAD

12/09

Members were informed that Mr M A D was working away from home and therefore could not attend the meeting.

RESOLVED that the item be deferred.

L Application For Hackney Carriage Vehicle Licence - Mrs ZFH

13/09

Consideration was given to a report on an application for a new hackney carriage licence in respect of a vehicle, a saloon car, which was not in keeping with the Council's policy which restricted the issue of new licences to vehicles which were fully wheelchair accessible and which was introduced with the objective of increasing the number of fully accessible vehicles and improving taxi provision for disabled taxi users.

At the meeting held on 27 January 2009, after consideration of an officer's report and comments received from the trade and other interested parties following an extensive consultation exercise and meetings with trade representatives, Members agreed a consolidated policy document in respect of Hackney Carriage and Private Hire Licensing be referred to Cabinet for approval. (Minute L 77/08 refers).

This policy was agreed by Cabinet at their meeting held on 5 March 2009 (Minute CAB 158/08 refers) when it was resolved that all new applications for hackney carriage vehicle licences would be required to comply with the policy's revised specification in relation to wheelchair accessible vehicles (WAVs), until the total number of WAVs licensed reached 25% of the total hackney carriage fleet, which equated to 70 vehicles, when the policy would then be reviewed, or

the policy would be reviewed in three years time, whichever was the earlier.

Members were respectfully reminded that the decision relating to the provision of WAVs was taken in an attempt to substantially improve taxi provision for people with disabilities.

Members were also reminded that at the meeting held on 27 January 2009 it was also resolved that future applications for hackney carriage and private hire vehicle licences that did not meet the proposed standards, except for the replacement of existing licensed vehicles on a like for like basis when they had been subject to being written off or subject to uneconomic repair, would be deferred pending the final ratification of the new policy, which they would then be expected to comply with.

On 27 February 2009 application was received for the grant of a new hackney carriage vehicle licence in respect of a saloon vehicle from Mrs Z F H. A copy of the application was attached to the report.

Members were reminded that under the provisions of Section 3 The Town Police Clauses Act 1847 a district council may from time to time licence to ply for hire within the prescribed distance hackney carriages of any kind or description adapted to the carriage of persons.

As the proposed vehicle did not meet the specification for WAVs approved in the revised policy the applicant was written to and offered the opportunity to explain to the Council, in writing, why it should depart from the proposed policy in their particular case. A copy of this letter was attached to the report.

Members were informed of Mrs Z F H's letter of 22nd April and agreed that Mr Duncan Burgess, Mrs Z F H's appointed representative, could speak on her behalf in respect of her application.

Members were informed that Mrs Z F H had prior to the meeting been given the opportunity to explain to the Council in writing, why the Council should depart from their policy which restricted the issue of new Hackney Carriage licences to vehicles that complied with the policy's specification in relation to wheelchair accessible vehicles (WAVs) until the total number of WAVs reaches 25% of the total Hackney Carriage fleet, which equates to 70 vehicles but Mrs Z F H had not responded to that letter.

Mr Burgess informed Members that the main reason for requesting the Council depart from the policy in Mrs Z F H's particular case was for financial reasons to enable her to earn an income to support her family and pay her college fees.

Members asked Mr Burgess if Mrs Z F H had applied to any neighbouring authorities for a vehicle licence or considered the possibility of licensing the vehicle as a Private Hire vehicle. Mr Burgess informed Members that he didn't know but he believed that Mrs Z F H was not fully aware of the Council's Policy and that she had not taken proper advice in this matter.

Members were also advised that the vehicle's V5 registration certificate had not been submitted with the application and it had therefore not been possible to determine whether the vehicle complied with the policy requirements in respect

of European Emissions Standards and being free from accident damage.

After consideration of the report and to the comments made on Mrs Z F H's behalf by Mr Burgess at the meeting Members felt that the vehicle did not meet the Council's Policy Specification and the economic reasons submitted on Mrs Z F H's behalf were not considered to be a valid reason for departing from the policy and Mrs Z F H's application was therefore refused.

RESOLVED that Mrs Z F H's application be refused as the vehicle did not meet the Council's Policy Specification and the economic reasons submitted on Mrs Z F H's behalf were not considered to be a valid reason for departing from the policy.

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14/09**

Application For Hackney Carriage Vehicle Licence - Mr ZH

Consideration was given to a report on an application for a new hackney carriage licence in respect of a vehicle, a saloon car, which was not in keeping with the Council's policy which restricted the issue of new licences to vehicles which were fully wheelchair accessible and which were introduced with the objective of increasing the number of fully accessible vehicles and improving taxi provision for disabled taxi users.

At the meeting held on 27 January 2009, after consideration of an officer's report and comments received from the trade and other interested parties following an extensive consultation exercise and meetings with trade representatives, Members agreed a consolidated policy document in respect of Hackney Carriage and Private Hire Licensing be referred to Cabinet for approval. (Minute L 77/08 refers).

This policy was agreed by Cabinet at their meeting held on 5 March 2009 (Minute CAB 158/08 refers) when it was resolved that all new applications for hackney carriage vehicle licences will be required to comply with the policy's revised specification in relation to wheelchair accessible vehicles (WAVs), until the total number of WAVs licensed reaches 25% of the total hackney carriage fleet, which equated to 70 vehicles, when the policy would be reviewed, or the policy would be reviewed in three years time, whichever the earlier.

Members were respectfully reminded that the decision relating to the provision of WAVs was taken in an attempt to substantially improve taxi provision for people with disabilities.

Members were also reminded that at the meeting held on 27 January 2009 it was also resolved that future applications for hackney carriage and private hire vehicle licences that did not meet the proposed standards, except for the replacement of existing licensed vehicles on a like for like basis when they had been subject to being written off or subject to uneconomic repair, would be deferred pending the final ratification of the new policy, which they would then be expected to comply with.

On 27 February 2009 application was received for the grant of a new hackney carriage vehicle licence in respect of a saloon vehicle from Mr Z H. A copy of the application was attached to the report.

Members were reminded that under the provisions of Section 3 The Town Police Clauses Act 1847 a district council may from time to time licence to ply for hire within the prescribed distance hackney carriages of any kind or description adapted to the carriage of persons.

As the proposed vehicle did not meet the specification for WAVs approved in the revised policy the applicant was written to and offered the opportunity to explain to the Council, in writing, why the Council should depart from the proposed policy in their particular case. A copy of the letter was attached to the report.

Mr W H had replied to the letter when he stated economic reasons for departing from the policy. A copy of this letter was attached to the report.

Mr Z H was in attendance at the meeting and was given the opportunity to state his case.

Members noted that Mr Z H had recently served in the army as a professional driver.

Members asked Mr Z H had applied to any neighbouring authorities for a vehicle licence or considered the possibility of licensing the vehicle as a Private Hire vehicle. Mr Z H informed Members that he had not.

Members were also advised that the vehicle's V5 registration certificate also showed that the vehicle did not comply with the policy requirements in respect of European Emissions Standards.

After consideration of the report and to the comments made by Mr Z H at the meeting Members determined that the vehicle did not meet the Council's Policy Specification and the economic reasons submitted by Mr Z H were not considered to be a valid reason for departing from the policy and Mr Z H application was therefore refused.

RESOLVED that the application submitted by Mr Z H be refused as the vehicle did not meet the Council's Policy Specification and the economic reasons submitted by Mr Z H were not considered to be a valid reason for departing from the policy.

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15/09 **Application For Hackney Carriage Vehicle Licence - Mr TZ**

Members were informed that Mr T Z was not in attendance at the meeting. Members determined that Mr T Z had been given sufficient notice of the meeting and agreed to consider the application in Mr T Z's absence.

Consideration was to a report on an application for a new hackney carriage licence in respect of a vehicle, a saloon car, which was not in keeping with the Council's current policy which restricted the issue of new licences to vehicles which were fully wheelchair accessible and which was introduced with the objective of increasing the number of fully accessible vehicles and improving taxi provision for disabled taxi users.

At the meeting held on 27 January 2009, after consideration of an officer's report and comments received from the trade and other interested parties following an extensive consultation exercise and meetings with trade representatives, Members agreed a consolidated policy document in respect of Hackney Carriage and Private Hire Licensing be referred to Cabinet for approval. (Minute L 77/08 refers).

This policy was agreed by Cabinet at their meeting held on 5 March 2009 (Minute CAB 158/08 refers) when it was resolved that all new applications for hackney carriage vehicle licences will be required to comply with the policy's revised specification in relation to wheelchair accessible vehicles (WAVs), until the total number of WAVs licensed reaches 25% of the total hackney carriage fleet, which equated to 70 vehicles, when the policy would be reviewed, or the policy would be reviewed in three years time, whichever the earlier.

Members were respectfully reminded that the decision relating to the provision of WAVs was taken in an attempt to substantially improve taxi provision for people with disabilities.

Members were also reminded that at the meeting held on 27th January 2009 it was also resolved that future applications for hackney carriage and private hire vehicle licences that did not meet the proposed standards, except for the replacement of existing licensed vehicles on a like for like basis when they had been subject to being written off or subject to uneconomic repair, would be deferred pending the final ratification of the new policy, which they would then be expected to comply with.

On 12 February 2009 application was received for the grant of a new hackney carriage vehicle licence in respect of a saloon vehicle. A copy of the application was attached to the report.

Members were reminded that under the provisions of Section 3 The Town Police Clauses Act 1847 a district council may from time to time licence to ply for hire within the prescribed distance hackney carriages of any kind or description adapted to the carriage of persons.

As the proposed vehicle did not meet the specification for WAVs approved in the revised policy the applicant was written to and offered the opportunity to explain to the Council in writing why the Council should depart from the proposed policy in their particular case. A copy of this letter was attached to the report. No response had been received to the letter

Members were also advised that the vehicle subject to this application was licensed with the Council as a private hire vehicle. It was first licensed in June 2008 and its licence was due to expire on 31 October 2009.

After consideration of the report Members determined that the vehicle did not meet the Council's Policy Specification and that Mr T Z had not submitted any reasons for departing from the policy and Mr T Z's application should therefore be refused.

RESOLVED that the application submitted by Mr T Z be refused as the vehicle did not meet the Council's Policy Specification.