

Licensing Committee

A meeting of Licensing Committee was held on Monday, 23rd August, 2010.

Present: Cllr Dick Cains (In the Chair); Cllr Mrs Eileen Craggs, Cllr Colin Leckonby, Cllr Alan Lewis, Cllr Mrs Ann McCoy, Cllr Maurice Perry, Cllr Roy Rix and Cllr Fred Salt.

Officers: M Vaines (DNS) J Nertney, K Maddison-Walshe, F McKie (LD).

Also in attendance: Mr Ghani, Mr Khazir (Hackney Carriage Association) for agenda item 4; Mr M L for agenda item 5; Mr M B for agenda item 6; Mr A F A for agenda item 7; Mr N M for agenda item 8; Mr M W H for agenda item 10; Mr A W G for agenda item 11; Mr M A for agenda item 12; Mr M A B for agenda item 13; Mr A W G for agenda item 14.

Apologies: Cllr Bill Woodhead, Cllr Kath Nelson, Cllr Ken Dixon, Cllr Paul Kirton, Cllr Jean Kirby and Cllr Tina Large.

L 29/10 **Declarations of Interest**

There were no interests declared.

L 30/10 **Private Hire & Hackney Carriage Licensing Policy**

Consideration was given to a report on individual requests from vehicle proprietors asking that the Council depart from and relax the Private Hire and Hackney Carriage Licensing Policy requirements relating to accident damage and its application to existing licensed vehicles with effect from their next licence renewal in September/October this year.

At the meeting held on 27th January 2009 Members recommended a revised policy in respect of Private Hire and Hackney Carriage licensing for approval by Cabinet. The policy was approved with effect from 6th March 2009. A copy of Minute 77/08 that referred was attached to the report.

Within that policy document was a paragraph relating to "Insurance Write-Offs", paragraph 43, which stated "Vehicles that have been declared to be an insurance write off in category A, B, C or D will not be licensed".

When the policy was approved by Cabinet the issue of accident damaged existing vehicles was addressed when it was agreed that "Existing vehicles that have previously been categorised as "accident damaged" on their V5 document should not have their licence renewed at the September/October 2010 renewals" (Minute 158/08 refers).

The trade was advised of this decision in the May 2009 edition of "The Trade Times" which was sent to all Members of the private hire and hackney carriage trade, including vehicle proprietors.

Members were advised that there were 35 licensed vehicles that were recorded as being accident damaged, 19 of which were hackney carriages and the remaining 16 as private hire vehicles and of these 2 private hire vehicle licences had been voluntary surrendered.

At the last meeting with the trade held on 17th May 2010 an enquiry was made as to whether the Council could consider 'grandfather rights' for existing

vehicles that were identified as being 'accident damaged'. The trade was advised that any request to depart from the policy would need to be made in writing stating the reasons why the Council should depart from policy in their case. It was therefore agreed that an item be placed in the next edition of The Trade Times reminding vehicle proprietors of this requirement and inviting them to make written submissions should they wish to be allowed 'grandfather rights'. This information was included in the May edition of the publication.

Since that time 9 requests had been received in respect of 10 vehicles for dispensation from the policy requirements in respect of accident damaged vehicles and details of each of these were submitted as separate reports.

It was noted that a policy cannot act so as to fetter the discretion of the Council. The Council may depart from the policy should there be deemed to be sufficient reason to do so. Each request for departure from the policy must be considered on its individual merits and a decision made as to whether there are sufficient grounds to depart from the policy.

Members were informed that a letter had been received from a2z Licensing after the agenda and background papers had been circulated. Members were asked if they wished to consider the letter at the meeting. Members agreed that the letter could be considered. Members were provided with a copy of the letter from a2z Licensing. The letter requested Members to consider "grandfather rights" to all accident damaged vehicles licensed at the time of this meeting and this was also supported by the Stockton Hackney Carriage Drivers Association. Mr Khazir was present at the meeting as their representative together with other members of the Hackney Carriage and Private Hire trade and was given the opportunity to address Members on this issue.

After listening to their comments Members determined that they were minded not to grant grandfather rights to all vehicles as this issue had been debated at length during the consultation and consideration of the issue prior to the introduction of the Policy. The Members noted that each request for dispensation would be considered individually on its own merits.

RESOLVED that each request asking that the Council depart from and relax the Private Hire and Hackney Carriage Licensing Policy requirements relating to accident damage and its application to existing licensed vehicles with effect from their next licence renewal in September/October 2010 be considered on its individual merits.

L
31/10 **Exclusion of the Public**

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
32/10 **Accident Damaged Vehicle - W714 XDS**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at

September/October 2010 renewals in respect of vehicle registration W714 XDS.

Vehicle registration W714 XDS was a licensed hackney carriage vehicle, plate number HCV 600, which had been licensed since May 2007 and its current licence would expire on 30th September 2010.

The vehicle was a Volkswagen Passat which was first registered on 18/04/2000 and was recorded as being 'accident damaged' on its V5 registration document.

A letter had been received from Mr M L, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his licence because of financial hardship and as the vehicles had met Council requirements prior to the policy changes. A copy of the letter was attached to the report.

Mr M L was requested to provide additional information in respect of the matter but no reply had been received. A copy of the letter was attached to the report.

Mr M L was in attendance at the meeting and was given the opportunity to state his case.

Mr M L informed Members that the main reason for requesting the Council depart from the policy in his particular case was because the vehicle complied with other policy requirements and financial hardship.

It was not in dispute that the vehicle met the previous licensing requirements but Mr M L was aware that he had been consulted on the changes in policy requirements prior to its implementation in March 2009. Members also noted that Mr M L had had eighteen months to make the necessary arrangements to meet the new policy requirements.

After consideration of the report and to the comments made by Mr M L Members felt that he had not provided any reason sufficient to persuade the Council to depart from the policy.

RESOLVED that Mr M L's request to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration W714 XDS be refused.

**L
33/10**

Accident Damaged Vehicle - VU54 NKH

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration VU54 NKH.

Vehicle registration VU54 NKH was a licensed hackney carriage vehicle, plate number HCV 533, which had been licensed since December 2005 and its licence was due to expire on 30th September 2010.

The vehicle was a Skoda Superb which was first registered on 14/09/2004 and was recorded as being 'accident damaged' on its V5 registration document.

A letter had been received from Mr M B, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. A copy of this letter was attached to the report.

Mr M B was requested to provide additional information in respect of the matter but to date no reply had been received. A copy of the letter was attached to the report.

Mr M B was in attendance at the meeting and was given the opportunity to state his case.

Mr M B informed Members that the main reason for requesting the Council depart from the policy in his particular case was because the vehicle complied with other policy requirements and financial hardship.

It was not in dispute that this vehicle met the previous licensing requirements but Mr M B was aware that he had been consulted on the changes in policy requirements prior to its implementation in March 2009. Members also noted that that Mr M B had had eighteen months to make the necessary arrangements to meet the new policy requirements.

After consideration of the report and to the comments made by Mr M B Members determined that Mr M B had not provided any reason sufficient to persuade the Council to depart from the policy.

RESOLVED that Mr M B's request to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration VU54NKH be refused.

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34/10**

Accident Damaged Vehicle - LM04 LJE

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration LM04LJE.

Vehicle registration LM04LJE was a licensed hackney carriage vehicle, plate number HCV 625, which had been licensed since May 2008 and its licence was due to expire on 30th September 2010.

The vehicle was a Toyota Avenir which was first registered on 30/06/2004 and was recorded as being 'accident damaged' on its V5 registration document.

A letter had been received from Mr A F A, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. A copy of this letter was attached to the report.

Mr A F A was requested to provide additional information in respect of the matter but to date no reply had been received. A copy of the letter was attached

to the report.

Mr A F A was in attendance at the meeting and was given the opportunity to state his case.

Mr A F A informed Members that the main reason for requesting the Council depart from the policy in his particular case was because the vehicle complied with other policy requirements and financial hardship.

It was not in dispute that this vehicle met the previous licensing requirements but Mr A F A was aware that he had been consulted on the changes in policy requirements prior to its implementation in March 2009. Members also noted that that Mr A F A had had eighteen months to make the necessary arrangements to meet the new policy requirements.

After consideration of the report and to the comments made by Mr A F A Members determined that Mr A F A had not provided any reason sufficient to persuade the Council to depart from the policy.

RESOLVED that Mr A F A's request to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration LM04LJE be refused.

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35/10**

Accident Damaged Vehicle - DN53 OJV

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration DN53OJV.

Vehicle registration DN53OJV was a licensed hackney carriage vehicle, plate number HCV 646, which had been licensed since July 2008 and its licence was due to expire on 30th September 2010.

The vehicle was a Citroen Dispatch which was first registered on 18/12/2003 and was recorded as being 'accident damaged' on its V5 registration document.

A letter had been received from Mr N M, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. A copy of this letter was attached to the report.

Mr N M was requested to provide additional information in respect of the matter and a copy of his response was attached to the report.

Mr N M was in attendance at the meeting and was given the opportunity to state his case.

Mr N M informed Members that the main reason for requesting the Council depart from the policy in his particular case was because the vehicle complied with other policy requirements, was wheelchair accessible and financial hardship.

It was not in dispute that this vehicle met the previous licensing requirements but Mr N M was aware that he had been consulted on the changes in policy requirements prior to its implementation in March 2009. Members also noted that that Mr N M had had eighteen months to make the necessary arrangements to meet the new policy requirements.

However after consideration the report and to the comments made by Mr N M regarding the fact that his vehicle was one of only a limited number of hackney carriages that were wheelchair accessible and the costs associated with replacing it on a like for like basis were considerably more than for a saloon vehicle Members considered these were sufficient reasons to persuade the Council to depart from the policy in his case and Mr N M's request was therefore granted subject to an extended period of two years ending September 2012.

RESOLVED that Mr N M's request to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration DN53OJV be granted subject to an extended period of two years ending September 2012.

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36/10 **Accident Damaged Vehicle - BG52 LNF**

Members were informed that Mr M A was in hospital and could not attend the meeting. Members decided to defer the item so that Mr M A could present his case to Members.

RESOLVED that the request be deferred.

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37/10 **Accident Damaged Vehicle - KN03 XCX**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration KN03XCF.

Vehicle registration KN03XCF was a licensed hackney carriage vehicle, plate number HCV607, which had been licensed since February 2008 and its current licence would expire on 30th September 2010.

The vehicle was a Vauxhall Astra which was first registered on 26th March 2003 and was recorded as being 'accident damaged' on its V5 registration document.

A letter had been received from Mr M W H, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his licence because of financial hardship and as the vehicles had met Council requirements prior to the policy changes. A copy of the letter was attached to the report.

Mr M W H was requested to provide additional information in respect of the matter but no reply had been received. A copy of the letter was attached to the report.

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

Mr M W H informed Members that the main reason for requesting the Council depart from the policy in his particular case was because the vehicle complied with other policy requirements and financial hardship.

It was not in dispute that the vehicle met the previous licensing requirements but Mr M W H was aware that he had been consulted on the changes in policy requirements prior to its implementation in March 2009. Members also noted that Mr M W H had had eighteen months to make the necessary arrangements to meet the new policy requirements.

After consideration of the report and to the comments made by Mr M W H Members felt that he had not provided any reason sufficient to persuade the Council to depart from the policy.

RESOLVED that Mr M W H's request to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration KN03XCX be refused.

**L
38/10** **Accident Damaged Vehicle - DN02 HZM**

Members were informed that Mr A W G had replaced his vehicle and therefore the request was withdrawn.

**L
39/10** **Accident Damaged Vehicle - KE02 XWY**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration KE02XWY.

Vehicle registration KE02XWY was a licensed hackney carriage vehicle, plate number HCV608, which had been licensed since February 2008 and its current licence would expire on 30th September 2010.

The vehicle was a Vauxhall Vectra which was first registered on 8th March 2002 and was recorded as being 'accident damaged' on its V5 registration document.

A letter had been received from Mr M A, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his licence because of financial hardship and as the vehicles had met Council requirements prior to the policy changes. A copy of the letter was attached to the report.

Mr M A was requested to provide additional information in respect of the matter but no reply had been received. A copy of the letter was attached to the report.

Mr M A was in attendance at the meeting and was given the opportunity to state his case.

Mr M A informed Members that the main reason for requesting the Council depart from the policy in his particular case was because the vehicle complied with other policy requirements and financial hardship.

It was not in dispute that the vehicle met the previous licensing requirements but Mr M A was aware that he had been consulted on the changes in policy requirements prior to its implementation in March 2009. Members also noted that Mr M A had had eighteen months to make the necessary arrangements to meet the new policy requirements.

After consideration of the report and to the comments made by Mr M A Members felt that he had not provided any reason sufficient to persuade the Council to depart from the policy.

RESOLVED that Mr M A's request to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration KE02XWY be refused.

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40/10**

Accident Damaged Vehicle - YH02 VJY

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration YH02VJY.

Vehicle registration YH02VJY was a licensed hackney carriage vehicle, plate number HCV287, which had been licensed since July 2006 and its current licence would expire on 30th September 2010.

The vehicle was a Vauxhall Astra which was first registered on 16th May 2002 and was recorded as being 'accident damaged' on its V5 registration document.

A letter had been received from Mr M A B, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his licence because of financial hardship and as the vehicles had met Council requirements prior to the policy changes. A copy of the letter was attached to the report.

Mr M A B was requested to provide additional information in respect of the matter but no reply had been received. A copy of the letter was attached to the report.

Mr M A B was in attendance at the meeting and was given the opportunity to state his case.

Mr M A B informed Members that the main reason for requesting the Council depart from the policy in his particular case was because the vehicle complied with other policy requirements and financial hardship.

It was not in dispute that the vehicle met the previous licensing requirements but Mr M A B was aware that he had been consulted on the changes in policy

requirements prior to its implementation in March 2009. Members also noted that Mr M A B had had eighteen months to make the necessary arrangements to meet the new policy requirements.

After consideration of the report and to the comments made by Mr M A B Members felt that he had not provided any reason sufficient to persuade the Council to depart from the policy.

RESOLVED that Mr M A B's request to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration YH02VJY be refused.

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41/10**

Accident Damaged Vehicle - CU02 YTK

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration CU02YTK.

Vehicle registration CU02YTK was a licensed hackney carriage vehicle, plate number HCV586, which had been licensed since November 2007 and its current licence would expire on 30th September 2010.

The vehicle was a Vauxhall Astra which was first registered on 26th May 2002 and was recorded as being 'accident damaged' on its V5 registration document.

A letter had been received from Mr A W G, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because having replaced other vehicles in the past few months he needed more time to replace the vehicle. A copy of his letter was attached to the report.

Mr A W G was requested to provide additional information in respect of the matter but no reply had been received. A copy of the letter was attached to the report.

Mr A W G was in attendance at the meeting and was given the opportunity to state his case.

Mr A W G informed Members that the main reason for requesting the Council depart from the policy in his particular case was because he had already replaced 8 or 9 cars since the new policy had been implemented and because of cash flow issues he needed more time, about six months, to raise the necessary finance to replace this vehicle. It was noted that Mr A W G had already replaced one accident damaged vehicle and therefore he had made efforts to comply with policy.

Members determined that Mr A W G had demonstrated that he had made attempts to comply with the new policy requirements which was sufficient to persuade the Council to depart from the policy in respect of the vehicle and his request was therefore approved and it was decided that Mr A W G would be given 3 additional months from the renewal of the vehicle licence i.e. up until 31

December 2010, to replace the vehicle.

RESOLVED that Mr A W G's request to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration CU02YTK be approved and that Mr A W G be given 3 additional months from the renewal of the vehicle licence i.e. up until 31 December 2010, to replace the vehicle.