

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 2 JUNE 2016,
AT 10.00 AM

PRESENT: Councillor David Andrews (Chairman).
Councillors Mrs R Cheswright and
M McMullen.

ALSO PRESENT:

Councillors J Jones, G McAndrew, T Page,
N Symonds.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

ALSO IN ATTENDANCE:

James Ellis	- Advisory and Litigation Lawyer
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1 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Mrs R Cheswright and seconded by Councillor M McMullen that Councillor D Andrews be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor D Andrews be appointed Chairman of the Licensing Sub-Committee for the meeting.

2 MINUTES – 2 MARCH 2016

RESOLVED – that the Minutes of the meeting held

on 2 March 2016 be confirmed as a correct record and signed by the Chairman.

3 APPLICATION FOR A TAXI DRIVER'S LICENCE – VEHICLE OUTSIDE OF POLICY

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Specialist Licensing Officer summarised why the matter had been reported to the Licensing Sub-Committee and reminded Members of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 Section 48(1) regarding matters to be borne in mind in relation to the grant of a private hire vehicle license.

The applicant detailed the research he had undertaken in support of his application. Members sought and were provided with clarification on a number of issues, including the applicant's market research, passengers' luggage arrangements, advertising on the rear window, special needs facilities, such as wheelchair arrangements and emergency breakdown cover. At the conclusion of the representations, the Sub-Committee withdrew with the Solicitor and Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced that the Sub-Committee had listened carefully to the merits of providing a taxi service in such a unique vehicle and agreed to grant a licence subject to the inclusion of conditions 1 – 3 as detailed in paragraph 2.11 of the report (and amendment of condition No 3 ii, detailed below). Additionally, the applicant was asked to ensure that the rear window was not obscured and remained free from advertising.

RESOLVED – that for the reasons now detailed, the application for a Taxi Drivers Licence for a vehicle outside of Policy, be approved.

Reasons for Decision:

1. The Sub-Committee felt that whilst the vehicle is not of the type normally licenced by the Authority, the applicant had considered and addressed most aspects of how it would operate as a private hire vehicle to the satisfaction of the Sub-Committee.
2. The Sub-Committee were mindful that the vehicle requirements contained within the Licensing Policy were there to ensure passenger safety, and whilst the applicant's vehicle did not meet those requirements, this was due to the size and nature of the vehicle rather than it being unsafe, and so it was considered appropriate to step outside of the current policy on this occasion.
3. Where the Sub-Committee found there to be areas of concern with the vehicle that had not been addressed to their satisfaction, it was felt that these could be adequately addressed by attaching conditions to the licence which they felt to be reasonably necessary, under s48(2) of the Local Government (Miscellaneous Provisions) Act 1976; namely:
 - i. No luggage other than one handbag or similar to be carried in the passenger compartment of the vehicle.
 - ii. Luggage, or other items such as, but not limited to, wheelchairs, placed in the boot to not obscure the driver's view through the rear window of the vehicle.
 - iii. Tyre sealant and a pump must be carried at all times whilst hired.

4 APPLICATION FOR A TAXI DRIVER'S LICENCE FOR ONE YEAR

The Chairman outlined the procedure to be followed. All

those present were introduced. The Senior Specialist Licensing Officer summarised why the matter had been submitted to the Licensing Sub-Committee.

The applicant explained that he had applied to renew his driver's licence for a period of one year because he was undertaking the taxi knowledge of London test and on passing, he would give up his licence. The financial implications of a one year licence versus a three year licence were considered. Members adjourned at 11.00am for a short period in order to recheck the revised Policy. On return, the Senior Specialist Licensing Officer confirmed how refunds were calculated.

At the conclusion of the representations, the Sub-Committee withdrew with the Solicitor and Democratic Services Officer to consider the application. Following this, they returned and the Chairman announced that the Sub-committee had considered the merits of the applicant's argument and decided to approve the request for a one year Taxi Driver's Licence.

RESOLVED – that for the reasons now detailed the application for a Taxi Driver's Licence for one year, be agreed.

Reason for Decision:

1. Having questioned the applicant as to his reasons for wanting a one year licence, as opposed to the standard three year licence, it was felt by the Sub-Committee that, on this occasion, it was reasonable to grant the request.
2. The Sub-Committee was sympathetic to the applicant's predicament and was taken by his confidence that he would no longer require the licence at the expiry of one year from its granting.

3. The Sub-Committee felt that the applicant presented his reasoning for wanting a reduced term licence in a well-articulated and cogent manner, and were therefore agreeable to his request on this occasion.

5 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100(A) (4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minute 6 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 said Act.

6 APPLICATION FOR A TAXI DRIVER'S LICENCE – RENEWAL DRIVER WITH DVLA POINTS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors J Jones, G McAndrew, T Page and N Symonds could remain in the room as observers. The Senior Specialist Licensing Officer summarised why the matter had been reported to the Licensing Sub-Committee.

The applicant explained the background to the speeding offences which had resulted in penalty points on his driving licence. At the conclusion of the representations, the Sub-Committee withdrew with the Solicitor and Democratic Services Officer to consider the application. Following this, they returned and the Chairman announced that the Sub-committee had carefully considered the submissions and, on balance, agreed to take no further action.

RESOLVED – that for the reasons now detailed, no further action be taken.

Reasons for Decision:

1. Whilst the Sub-Committee was keen to stress that speeding was not acceptable, and fell short of what is expected of its licenced private hire and hackney carriage drivers, the facts of the current matter, along with the applicant's long history clear of any enforcement action, meant that no further action was required on this occasion.
2. The Sub-Committee felt that the applicant had learnt a valuable lesson as a result of two speeding convictions and was unlikely to re-offend.
3. Notwithstanding the speeding convictions declared by the applicant, the Sub-Committee felt that he was a fit and proper person to hold a licence.

The Chairman on behalf of the Sub-Committee stated that as a professional driver, the applicant should be aware of the very high standards which the Council as the Licensing Authority expected.

The meeting closed at 11.35 am

Chairman
Date