

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 14th September, 2017, 10.00 am

Councillors: Les Kew (Chair), Deirdre Horstmann and Caroline Roberts

Officers in attendance: John Dowding (Senior Public Protection Officer), Shaine Lewis (Legal Adviser) and Charlotte May (Apprentice Legal Advisor)

26 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

28 DECLARATIONS OF INTEREST

There were none.

29 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

30 MINUTES OF THE MEETING OF 17 AUGUST 2017

These were approved as a correct record and signed by the Chair.

31 TAXI PROPRIETOR'S PROCEDURE

The Chair drew attention to the procedure to be followed for the next item of business.

32 CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE

Applicant: Mr P Buckland

The applicant confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. The applicant had applied for a grant of a Private Hire Vehicle licence. At the time of the application, the applicant's vehicle was 5 years and two months old, and so fell outside the Council's policy. The policy provides that at the time of first licence a vehicle must normally be less than 5 years old and that "any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination." The vehicle was fully compliant in every other respect with the Private Hire licence conditions, and had passed a licensed vehicle mechanical compliance check at an authorised garage. The applicant had believed

that because the vehicle was first registered in 2012, the vehicle would be within the five years criterion.

The Sub-Committee adjourned so that Members could inspect the vehicle.

After the Sub-Committee reconvened, the applicant stated his case. He said that he had known of the five-year rule, but that he had believed that the car was within the limit because it was a 2012 vehicle. He thought the five-year period ran from year to year, and had not realised it was calculated from the registration date. He was outside the 5-year limit by two months. In response to a question from the Chair he stated that he was already a licensed driver, and that the vehicle was a replacement for his current vehicle. Responding to the Senior Public Protection Officer, he explained that the vehicle was wheelchair-accessible and that he had for 12 years specialised in providing a service to wheelchair users, adding that there were few wheelchair accessible private hire vehicles in service.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application, subject to the submission by the applicant of required documentation. Authority was delegated to the Senior Public Protection Officer accordingly.

Reasons

Members have had to determine an application for a Private Hire Vehicle Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, the Council's Policy and the applicant's oral representations. Members also had the benefit of an inspection of the vehicle.

The applicant stated that he had misunderstood the Policy and thought it was registration year rather than first licence that was the important date. He and bought a wheelchair accessible vehicle because there are not many of them in the Private Hire sector as he specialises in that market. It was accepted that the vehicle does not meet the requirements of the council's standard conditions.

Members reminded themselves of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Private Hire Vehicle Licence general conditions. These state they must be satisfied that the vehicle is suitable in type, size and design for use as a private hire vehicle and furthermore is safe, comfortable and less than 5 years old when first licensed.

Having inspected the vehicle Members found the vehicle in exceptionally good condition and were satisfied that the vehicle was suitable in type, size and design. Given that the vehicle was only 2 months outside the Policy at the time of application, has low millage, is wheel chair accessible and there is a shortage of wheelchair accessible vehicles in the PHV sector Members take the exceptional step on this occasion of departing from their Policy on this occasion. Members therefore delegate authority to the licensing officer to issue the license subject to all necessary certification being provided.

The meeting ended at 10.32 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services