

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 5th December, 2019, 10.00 am

Councillors: Manda Rigby (Chair), Steve Hedges and Karen Warrington (in place of Michael Evans)

Officers in attendance: John Dowding (Senior Public Protection Officer) and Carrie-Ann Evans (Deputy Team Leader (Barrister))

56 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

57 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Michael Evans, for whom Councillor Karen Warrington substituted.

58 DECLARATIONS OF INTEREST

There were none.

59 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

60 MINUTES OF PREVIOUS MEETING: 7 NOVEMBER 2019

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

61 LICENSING PROCEDURE

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

62 CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE - 1904205PHVL

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

The Senior Public Protection Officer presented the report. He explained that the vehicle for which the applicant was seeking a Private Hire vehicle licence was 4 years and 1 month old at the time the application was made in October 2019, whereas Council policy is that "all vehicles will normally be less than four years old when first licensed". The standard conditions attached to the grant of a Private Hire vehicle licence state that "any vehicle presented for licensing which is older than 4 years at the date of application will be referred to the Council's Licensing Sub-Committee for determination". When the applicant had been granted a licence for his previous vehicle, Council policy had been that vehicles should be less than 5 years old, and the applicant had assumed that the statement to this effect in the conditions

issued with the previous licence was still current policy. The Senior Public Protection Officer said that he had seen the vehicle. He explained that the applicant worked in a specialised sector of the private hire trade. He provided Members with the following additional documents:

1. A certificate of the satisfactory completion by the vehicle of a Bath and North East Somerset Hackney Carriage/Private Hire vehicle inspection;
2. A letter that the applicant had enclosed with the application;
3. A letter from the Senior Public Protection Officer to the applicant enclosing a screenshot from the tfl ULEZ vehicle checker showing that the vehicle was not subject to the ULEZ charge.
4. An MOT test certificate.

The hearing was adjourned to allow Members to inspect the vehicle.

Following the adjournment the applicant stated his case and was questioned by the Chair. He said that he had relied on the conditions included with his previous licence, and had believed that vehicles had to be less than 5 years old when first licensed.

Following a further adjournment the Sub-Committee **RESOLVED** to delegate authority to the Public Protection Officer to issue the licence, subject to the satisfactory completion of the licensing process.

Decision and 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, an inspection of the vehicle and the applicant's oral representations.

The applicant for the vehicle licence briefly addressed members. It was evident that when he checked the conditions of his previous licence a vehicle up to 5 years old would have been an acceptable age at the time of first licensing. A policy change in January 2019 meant that vehicles are now expected to be less than 4 years old at the time of first licensing.

Members noted that the vehicle in question is now only four years and two months old; it is in immaculate condition and members heard that the vehicle is a diesel fitted with a Euro 6 engine which would be compliant with the proposed Clean Air Zone.

Based on the inspection and what they had heard and read Members found the vehicle to be suitable in type, size and design to be licensed by BANES. In the circumstances, they were content to depart from the Policy and delegate authority to the Public Protection Officer to issue the vehicle licence subject to satisfactory completion of the licensing process.

The meeting ended at 10.48 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services