

General Licensing Sub-Committee

Friday, 29 May 2009

Present: Councillor Thomas McGowan (Chair) and Councillors Pat Haughton, Hasina Khan and Debra Platt

09.LSC.01 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor David Dickinson.

09.LSC.02 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest submitted by the Sub-Committee Members.

09.LSC.03 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

09.LSC.04 PRIVATE HIRE OPERATOR ALLOWING VEHICLES TO BE USED IN DANGEROUS CONDITIONS

The Sub-Committee had been convened to consider a report of the Corporate Director of Neighbourhoods, drawing attention to the unroadworthy condition of vehicles operated by the Private Hire Operator in accordance with approved policy.

The Licensing Enforcement Officer presented the report highlighting the various defects and explained technicalities.

The Operator accompanied by a relative and solicitor, attended the meeting to put forward representations urging the Sub-Committee not to revoke the Operator's Licence.

It was accepted that the issuing of an advisory notice confirmed that the vehicle had passed an MOT, and that there had been no follow up checks made by the Licensing Office to ascertain if the defects on the advisory notice had been addressed.

It was also acknowledged that there had been issues relating to the operation of the Private Hire Operator in the past under different operators. However, the Operator had not received an official warning. The Licensing Enforcement Officer confirmed that the Operator had been given several verbal warnings concerning the state of vehicles which he operates.

The Operator's Solicitor suggested that a warning would be an appropriate response by the sub-committee which should lead to the Operator taking on board the need to rectify problems in the maintenance of vehicles identified in the report.

The Operator, his relative, and solicitor together with the Licensing Officer left the meeting at this stage whilst the Members deliberated.

The Sub-Committee considered all representations, taking in to account the representations from the Operator, his relative, solicitor and the Council's Licensing Officer.

After considering and taking due account of the relevant factors, the Sub-Committee unanimously **RESOLVED** to revoke the Operator's Licence under s.62(1)(d) of the Local Government (Miscellaneous Provisions) Act 1976 for the following reasons:

(i) The Sub-Committee noted that the Licensing Enforcement Officer had given verbal warnings to the Operator previously, which had not been acted upon.

(ii) The Operator had persistently presented vehicles for testing in an unroadworthy condition.

(iii) Members considered that the current regime for checking vehicles had not been rigorous enough. The Operator's Solicitor had acknowledged this.

(iv) The Sub-Committee considered that the above posed a risk to public safety by allowing members of the public to be transported in unroadworthy vehicles.

The Operator has the right to appeal to the Magistrates' Court within 21 days.

Chair