

Minutes of **General Licensing Sub-Committee**

Meeting date **Monday, 27 March 2023**

Committee Members present: Councillor Matthew Lynch (Chair), and Councillors Mark Clifford, Margaret France, Harold Heaton and Jean Sherwood

Officers: Tasneem Safdar (Legal Services Team Leader), Nathan Howson (Enforcement Team Leader (Licensing)) and Clare Gornall (Democratic and Member Services Officer)

20.1 Declarations of Any Interests

There were none.

20.2 Procedure

The Chair outlined the procedure to be followed.

20.3 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 grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

20.4 Review of Private Hire Driver Licence and Determination of Application to Renew Private Hire Vehicle Licence

On 27 March 2023 at 6.30pm, a sub-committee hearing was convened in respect of a Review of a Private Hire Driver Licence and Determination of Application to Renew Private Hire Vehicle Licence.

The members were Cllr Matthew Lynch (Chair), Cllr Margaret France, Cllr Jean Sherwood, Cllr Mark Clifford, and Cllr Harold Heaton . The licence holder was also present.

Mr Nathan Howson, Licensing Enforcement Team Leader was present at the hearing and presented a report of the Chief Executive indicating that the matter had been referred to the Sub-Committee following non-compliance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 by the licence holder.

Mr Howson explained that the licence holder had first applied for a private hire and hackney carriage driver licence in 2008. The matter was determined by the Sub-Committee as a result of two convictions in 1996 and 1997 respectively and the licence was granted. The licence has since been renewed in the usual way and is due to expire in 2024.

The licence holder first became the proprietor of a licensed vehicle on 19.4.2018. The private hire vehicle licence was renewed again and subsequently surrendered on 7.7.2022. On 6.7.2022, the licence holder applied for, and was granted, a new private hire vehicle licence in respect of a new vehicle. On 3.1.2023, the licence holder attended the council offices to renew his private hire vehicle licence but the renewal did not go ahead as did not provide all the required documents. On the same day, the vehicle was inspected by a Council-authorized garage and failed the MOT and taxi test. The licence expired on 7.1.23.

On 9.1.2023 the vehicle was submitted for and passed a taxi test and MOT. On 18.1.2023 the licence holder was asked to provide additional documents relating to how and when the repairs which resulted in a fail had been carried out. It was confirmed with the driver during that conversation that he cannot drive with an expired licence plate.

Enquiries were then made by licensing enforcement officers with the licence holder's private hire operator which revealed that between 9.1.23 and 19.1.23, the vehicle had been used for some 114 jobs, whilst unlicensed. A copy of the records was provided at Appendix 2 to the report.

On 30.1.23 the licence holder was interviewed under caution during which they admitted using the vehicle without a private hire vehicle licence.

The Chair invited the licence holder to make any representations to the Sub Committee as regards his fitness to hold a private hire driver licence and a private hire vehicle licence.

The licence holder (DT) admitted that he had been driving his vehicle unlicensed between 9.1.23 and 19.1.23. He apologised and stated that it was in error as he believed he was still entitled to drive at the time because the application was for a renewal of a private hire vehicle licence rather than a new application.

The licence holder (DT) then answered questions by the Sub-Committee.

DT stated that he would usually submit an application for a renewal of his licence approximately one or two weeks before. Mr Howson indicated that licensing officers accept renewal applications 28 days before a licence is due to expire.

DT also made the following representations and statements:

- On 3.1.23, he was only able to get an MOT test in the afternoon after 2.30pm. The failed MOT was a result of a flat spare tyre and a faulty headlight bulb. The

taxi test was failed due to the flat spare tyre. These issues he was later able to resolve himself.

- He stated that he had not driven the vehicle since 19.1.23 and it had been sat on his driveway since then.

Mr Howson and DT then the left the room while the Sub Committee entered its deliberations in private.

Mr Howson and DT were invited back into the room in order for the Sub-Committee to ask further questions.

Mr Howson informed the Sub Committee that the garage should notify the Council's licensing team in the event of a failed MOT or taxi test and in those circumstances the private hire vehicle licence would be suspended. No such notification was received and therefore the licence was still valid between 3.1.23 and the expiry date on 7.1.23.

Mr Howson clarified that it was only illegal to drive a vehicle which had failed its MOT test due a serious fault, which was not the case for DT.

DT confirmed that the jobs he had taken on 4.1.23 and 17.1.23 were both for running a child to school.

Mr Howson and the licence holder then left the room while the Sub Committee continued its deliberations in private.

Resolved:

The Sub-Committee considered all the documentation and submissions in this matter together with all relevant policies and statutory guidance and made the following decision:

1. The Sub-Committee found that the licence holder remains a fit and proper person;
2. That the licence holder be issued with a formal written warning in respect of his future conduct;
3. That the application to renew a Private Hire Vehicle Licence be granted.

The reasons are as follows:

The Sub-Committee were of the view that it is the licence holder's responsibility to ensure that all documentation is submitted for renewal in good time, however on this occasion it was not. The licence holder admitted that he made a mistake and had shown remorse.

Chair

Date