

LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 16th August 2011

PRESENT : Cllrs. Noakes (Chair), Porter (Vice-Chair), Tracey, Durrant, C. Witts, Ravenhill, Field, Dallimore, Patel and Toleman

Officers in Attendance

Rebecca Tuck, Licensing Enforcement Officer

Carl Knights, Licensing and Enforcement Officer

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Lisa Wilkes, Food Safety and Licensing Service Manager

Steve Isaac, Solicitor

APOLOGIES : Cllrs. Wilson, Hansdot and Mozol

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES

The minutes of the meeting held on 19th July 2011 were confirmed as a correct record and signed by the Chair.

21. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from the public.

22. PETITIONS AND DEPUTATIONS (10 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

There were no petitions or deputations.

23. SECTION 48 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE BY MR LUKE BENNETT

The Licensing and Enforcement Officer outlined the appeal by Mr Luke Bennett against an officer decision to refuse to issue a private hire vehicle licence to vehicle Vauxhall Vectra SRI Nav, registration number FP06 PPZ, on the grounds that it did not meet the age specification required by the Council's policy on the age of vehicles. The vehicle was first registered with the DVLA on 2nd June 2006. Mr Bennett's original application had been received on the 27th July 2011 and was followed up with some additional information requested by the Licensing and Enforcement Officer on the 28th July 2011. This meant that the vehicle had failed to meet, by a period of 8 weeks, the City Council's specific policy relating to age and a vehicle's acceptance for licensing on the first occasion.

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Mr Bennett was not currently a licensed private hire driver with Gloucester City Council. Due to financial constraints he was awaiting the outcome of the vehicle licence application before applying for a private hire driver licence.

The City Council was empowered under the Local Government (Miscellaneous Provisions) Act 1976 to licence private hire vehicles and to apply conditions to the issue of such licences.

Council policy for the first time of licensing a private hire vehicle which came into effect on 1st June 2010 stipulated *'vehicles will not be accepted for licensing on the first occasion after 5 years from the date of first registration, regardless of whether it was previously licensed anywhere else in the UK, or re-licensed 10 years from the date of first registration'*.

The Licensing and Enforcement Officer reminded Members that in May 2003, the Council's General Conditions for Hackney Carriage and Private Hire Licensing contained the wording ***'will not normally be accepted'*** in place of the above, thus allowing Officer and Member discretion when deciding the merits of an individual case. It was noted that at present, the discretion rested only with Members to exempt vehicles from Council policy on an individual merits basis.

Members were advised that they had two options:-

- (a) To refuse the application on the grounds that the vehicle fell outside of Council policy on the age of vehicles that can be accepted for licensing on the first occasion.

Or

- (b) To accept the application on the grounds that the vehicle was of such a high standard for its age, that Council policy should be departed from in this particular case.

Members inspected the vehicle and noted that it was in excellent condition, of low mileage, and had passed the MOT and Council vehicle inspection check.

Mr Bennett addressed the Committee. He commented that he was unaware of Gloucester City Council's policy, having previously been a private hire driver with Cheltenham Borough Council. He asked the Members to reconsider the officer decision as he did not have the means to buy another vehicle.

The following points were discussed by the Committee:-

- The fact that the City Council's policy clearly stated 5 years and that this was, in fact, a relaxation from a previous policy which had stipulated 4 years.
- The vehicle was agreed to be in excellent condition for its age but it was not an executive class vehicle and was not an exceptional vehicle of its type.
- Members wished to act fairly and flexibly, but at the same time they needed to operate in accordance with the policy.
- The 'trade' was supportive of the 5 year policy.

RESOLVED

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That the application be refused on the grounds that it fell outside of the Council's policy on the age of vehicles that could be accepted for licensing on the first occasion.

24. FEES FOR VEHICLES, OPERATORS AND DRIVERS LICENCES 2011/2012

The Chair introduced the report which aimed to determine the level of Hackney Carriage and Private Hire Licence fees for 2011/12. The paper recommended an increase in existing taxi fees and charges of 2.5% from 17th August 2011.

However, following consultation with the 'trade', there had been a further evaluation of the figures and the Committee was now recommended to agree a zero increase in existing fees and charges.

The Food Safety and Licensing Services Manager confirmed that the "trade" had withdrawn their objection, based on the revised recommendation.

RESOLVED

That there would be no increase in existing taxi fees and charges for the year 2011/12.

25. DATE OF NEXT MEETING

Members were advised that following changes to the structure of the Licensing and Enforcement Committee that there would not be the necessity to have monthly meetings and that it was intended to hold quarterly meetings in 2012 with existing calendar dates being reserved in case they were needed for Licensing Sub-Committees.

RESOLVED

1. That the next full meeting of the Licensing and Enforcement Committee would be held on 18th October 2011 at 6.30 pm. .
2. That the Democratic Services Officer reissue a list of forward dates along with reserve dates for Sub-Committees.

Time of commencement: 18:30 hours
Time of conclusion: 18:55 hours

Chair