

LICENSING COMMITTEE23 March 2015
10.00 - 10.35 am

Present: Councillors Benstead (Chair), Smith (Vice-Chair), Austin, Baigent, Bick, McPherson, Meftah, O'Reilly, Owers and Sinnott

Officers Present:

Licensing & Enforcement Manager: Robert Osbourn

Legal Advisor: Carol Patton

Committee Manager: Toni Birkin

FOR THE INFORMATION OF THE COUNCIL**15/8/LIC Apologies for absence**

Apologies were received from Councillor Gawthrope.

15/9/LIC Declarations of Interest

No interests were declared.

15/10/LIC Minutes of the previous meeting

The minutes of the meeting of the 26th January 2015 were agreed and signed as a correct record.

15/11/LIC Public Questions

There were no public questions.

15/12/LIC Urgency Action Update - Hackney Vehicle Licences

The Committee noted the urgent action taken since the last meeting regarding Hackney Vehicle Licences as detailed in the Officer's report.

15/13/LIC Hackney Carriage Vehicle Licence Application Procedure

The Committee received a report from the Licensing and Enforcement Manager regarding the Hackney Carriage Vehicle (HCV) Licence Application Policy.

The Committee make the following comments in response to the report:

- i. Welcomed the clarity on the waiting list policy and procedures.
- ii. Suggested that before someone who had expressed an interest and been placed on the waiting list was removed from that list, they should be sent a letter by registered post to provide an audit trails against future challenges.
- iii. Stated that when there had been a local limit on HCV's in the past, a lottery system had been in place to allocate any vacancies that arose. This had resulted in multiple applications or family member applications.
- iv. The current date order list was seen as the most equitable solution.
- v. Concerns were raised that existing licence holders might not realise that they could lose their licence if they missed their renewal dates. It was again suggested that an audit trail would be needed and that letters should be sent by recorded delivery.

In response to the Committee's questions, the Licensing and Enforcement Manager confirmed the following:

- i. Applicants were given the opportunity to decline one offer of an HCV Licence. A second refusal would result in their removal from the waiting list. This was considered reasonable as individual circumstances could change and an HCV Licence involved a considerable expense.
- ii. Applicants might prefer that their application was considered by a Committee immediately. However, due to the need to have an identified vehicle and the cost involved in procuring a suitable vehicle, this was considered unlikely.
- iii. If applications were rejected any fees paid were refunded. There was no process in place to charge an administration fee to failed applicants. However, case law could change this situation in the future. The Hemming v Westminster case was currently under appeal.
- iv. By definition, exceptional circumstances were unique and therefore, guidance could not be provided regarding what a Sub-Committee might consider as exceptional.
- v. It was possible that the waiting list might be closed at some point in the future should numbers become difficult to manage.
- vi. Confirmed that an HCV licence related to the vehicle and not the driver. Therefore, individual owner drivers were not disadvantaged compared to multi vehicle businesses.

The Committee:

- i. **Resolved (9 votes to 0 with 1 abstention)** to confirm the procedure for dealing with applications for hackney carriage licences, as set out in Appendix A of the Officer's report

The meeting ended at 10.35 am

CHAIR