



Licensing Sub-Committee

Minutes – 18 December 2013

Attendance

Members of the Sub-Committee

Cllr Bishan Dass (chair)
Cllr Alan Bolshaw
Cllr Mark Evans

Employees

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| Sarah Hardwick | Senior Solicitor |
| Elaine Moreton | Section Leader (Licensing) |
| Linda Banbury | Democratic Support Officer |

Part 1 – items open to the press and public

| <i>Item No.</i> | <i>Title</i> | <i>Action</i> |
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BUSINESS ITEMS

- 1. Apologies for Absence**
There were no apologies for absence.
- 2. Declarations of interest**
No interests were declared.

DECISION ITEMS

EXCLUSION OF PRESS AND PUBLIC

- 3. Exclusion of press and public**
Resolved:
That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

4. **Application for a Private Hire Vehicle Driver's Licence**

The Section Leader (Licensing) advised that the applicant had recently changed address and had not therefore received the invitation to the meeting. It was therefore:

Resolved:

That consideration of this item be deferred and considered by the Sub-Committee on 29 January 2013.

5. **Review prior to renewal of a Private Hire Vehicle Operator's Licence**

Elaine
Moreton/
Linda
Banbury

The chair welcomed everyone to the meeting, introductions were made and he outlined the procedure to be followed.

Mr Hussain was in attendance at the meeting in connection with the renewal application for his Private Hire Vehicle Operator's Licence, accompanied by his father and his representative Mr Nolan.

The Section Leader (Licensing) then outlined the report, which had been circulated to all parties in advance of the meeting. It was noted that the appeal hearing in regard to the revocation of the licence was due to be heard on 7 February 2014; however the Licence expired on 28 December 2013 and the Sub-Committee were therefore asked to consider the renewal application

Mr Nolan submitted that the issue of non-insurance was not the fault of the applicant, that there had been miscommunication both internally and externally and that the decision to revoke had been disproportionate. He added that Mr Hussain had been a licence holder for some ten years and that lack of insurance was a genuine mistake on behalf of the operator.

Mr Hussain and Mr Nolan answered questions raised by the Sub-Committee in respect of information contained at Appendix A of the Licensing Officer's report. Mr Hussain accepted that there was a phone call to the base on 12 July 2013 and that it was his responsibility to ensure that the cars were insured.

At this juncture the Section Leader (Licensing), the applicant and his father and representative withdrew from the meeting and the Sub-Committee discussed the issues which had been raised during consideration of the licence review. The Solicitor advised them of the options open to them in determining the application.

The parties returned and the Solicitor advised Mr Hussain of the

decision of the Sub-Committee, which would be communicated in writing to the applicant within five working days, as follows.

Resolved:

That, having considered all the information presented, the Licensing Sub-Committee do not find Mr T Hussain to be a fit and proper person to hold a Private Hire Vehicle Operator's Licence. Therefore, in accordance with Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 and paragraph 5.1.19 or in the alternative paragraph 4.6 of the Council's guidelines the Sub-Committee have therefore decided that your renewal application is refused.

The reasons for the refusal are:

1. The conditions of the Licence provide 'the holder of this licence shall ensure at all times that every private hire vehicle so operated shall be covered by a Certificate of Insurance or cover note indemnifying the proprietor of the said vehicle within the provisions of Part VI of the Road Traffic Act 1988.'
2. You accept that you are responsible for ensuring vehicles operated are insured.
3. You accept that the insurance cover for private hire vehicle, PH5, owned by Penn Radio Cars, provides that the vehicle should only be driven by drivers employed by Penn Radio cars.
4. You accept that Licensing Services made you aware of issues with Moto Accident Claim Ltd vehicles and of certain private hire vehicle licences being suspended.
5. You accept that on 12 July 2013, Mr C Parr telephoned the base to advise of the revocation of seven private hire vehicle licences to include the licences previously suspended
6. The Sub- Committee are satisfied that you allowed private hire vehicles, PH534, PH578 and PH 645 to operate despite being told by the Licensing Authority that the private hire vehicle licences had been revoked and the vehicles were not insured.
7. Therefore, the Licensing Authority are satisfied that you failed to ensure that private hire vehicles operated by you were insured even though this is your responsibility.
8. The Sub-Committee have a duty to ensure the safety of the public and therefore have no choice but to refuse to renew your licence.

The applicant has a right of appeal to the Magistrates' Court, in accordance with Section 62(3) of the local Government Act (Miscellaneous Provisions) Act 1976.