

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Thursday, 30th July 2009 at 9.30 am in the Quaker Room, Meeting Point House, Southwater Square, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), J.A.Francis, Y.C.Hicks, T.J.Hope (for minute items LC-27 to LC-32 inclusive only), T.Kiernan, A.A.Mackenzie (for minute items LC-27 to LC-32 inclusive only), C.N.Mason, H.Rhodes, C.F.Smith, K.L.Tomlinson and A.G.P.Williams.

LC-27 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, G.J.L.Davies and G.P. Hossell..

LC-28 DECLARATIONS OF INTEREST

Councillor E.J. Greenaway declared a personal interest in relation to minute number LC-31 and stated that she would leave the meeting during the consideration and determination of this particular agenda item.

LC-29 PRIVATE HIRE OPERATORS LICENCES

The report of the Head of Prevention & Protection was received by the Committee asking Members to consider whether it was necessary to attach a condition relating to maintenance of vehicles to Private Hire Operator conditions of Licence or whether the current conditions attached to Private Hire Vehicle Licences were sufficient to ensure the safety of licensed vehicles.

The Committee were reminded that Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 allowed a local authority to impose any conditions that it considered reasonably necessary on a Private Hire Operator's Licence. Members of the Licensing Committee had asked whether a condition regarding maintenance of Private Hire Vehicles could be attached to Private Hire Operator Licences.

Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles & Drivers and Private Hire Operators within the borough of Telford & Wrekin. The purpose of licensing Hackney Carriages and Private Hire Vehicles & Operators Conditions was to ensure the provision of a safe and accessible service to the public.

As a result of the request the Licensing Operations Manager had looked at Private Hire Operator Conditions issued by other West Midlands local authorities. It was reported to the Committee that only one of those authorities had a condition attached to the Private Hire Operator Licence which related to the maintenance of vehicles. The particular local authority had informed the Licensing Operations Manager that the condition was enforced with a "light touch".

The Committee was reminded that the Council had recently undertaken a complete review of its conditions of licence for Private Hire Drivers, Vehicles

and Operators and the revised conditions which were resolved to be implemented by the Council's Licensing Committee had been implemented since 1st December 2008.

Since the implementation of the newly revised conditions, the Council's Licensing Service had undertaken three joint enforcement exercises, the results of which were outlined within Appendix C of the report. The results of the exercises indicated that the Licensing Service's enforcement procedures were working. The report advised the Committee that if a condition was attached to the Private Hire Operator's Licence relating to keeping of a maintenance record of vehicles, resources that would normally be used for vehicle inspections would be diverted towards inspections of maintenance records held by Operators.

During a discussion the majority of members considered that the existing conditions as drawn were of a sufficient nature to enforce the current conditions and also to ensure that vehicles were properly maintained. It was further concluded that excess time would be required if Licensing Officers were requested to spend time perusing individual vehicles maintenance log records. A minority of members were of the view that such records should be kept as operators should have been made responsible for vehicles which displayed their badges irrespective as to whether they owned the vehicle or not.

RESOLVED – that having considered all relevant information that Members decided to confirm that the current conditions of licence attached to Private Hire Vehicle Licences were considered to be sufficient to ensure the safety of licensed vehicles.

LC-30 EXCLUSION OF PRESS AND PUBLIC

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

N.B. In accordance with her previous declaration of interest Councillor E.J. Greenaway left the meeting during the consideration and determination of the following agenda item.

LC-31 PRIVATE HEARING – MR.A.O – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence application should be granted.

N.B. Councillor E.J. Greenaway returned to the meeting for the remaining items of business.

LC-32 PRIVATE HEARING – MR.D.B – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence application should be granted.

LC-33 PRIVATE HEARING – MR.M.H – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

The Committee was informed that the applicant was not in attendance as requested in the letters from the Democratic Services Officer. The Licensing Operations Manager informed Members that she had spoken to the applicant on the telephone who had advised her during the conversation that he wished to withdraw his application. The Licensing Operations Manager had advised the applicant that if he wished to withdraw his application that he was required to confirm this request in writing. It was confirmed that no such correspondence had been received by the Licensing Operations Manager or the Democratic Services Officer. After hearing the legal advice of the Council's solicitor and having discussed the matter further, it was;

RESOLVED – that the application for the granting of a Private Hire Vehicle Driver licence be adjourned sine die.

The meeting ended at 2.20 pm.

Chairman:

Date: