

LICENSING REGULATORY SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Regulatory Sub-Committee held in the District Council Chamber, South Lakeland House, Kendal, on Monday, 29 July 2019, at 10.00 a.m.

Present

Councillors

Alvin Finch

Hazel Hodgson

David Webster

Officers

Courage Aiguobasimwin	Trainee Solicitor
Una Bell	Case Management Team Leader
Sean Hall	Principal Environmental Protection Officer
Julia Krier	Legal, Governance and Democracy Specialist
Adam Moffatt	Case Management Officer
Josie Smith	Legal, Governance and Democracy Specialist

LRS/8 ELECTION OF CHAIRMAN

RESOLVED – That Councillor David Webster be elected as Chairman for the meeting.

LRS/9 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

There were no apologies and there had been no change in the membership of the Sub-Committee and, therefore, no reconstitution was necessary.

LRS/10 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

LRS/11 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no items in Part II of the Agenda.

LRS/12 INTRODUCTIONS

The Chairman made introductions and read out the procedure for the meeting.

LRS/13 APPLICATION TO RENEW HACKNEY CARRIAGE LICENCE CONTRARY TO VEHICLE AGE LIMIT POLICY (CTTEE REF: LR02-19/20)

The Principal Environmental Protection Officer addressed the Sub-Committee and explained that he had a number of documents which had been submitted within the last week and he went on to circulate the documents to the Sub-Committee and Officers. The

documents included a vehicle inspection report, MOT certificate, an email from Mr Atkinson and a copy of the agenda from the meeting of a Licensing Regulatory Sub-Committee held on 4 July 2018, which included documents referred to in Mr Atkinson's email.

Note – The Sub-Committee voted to adjourn the meeting at 10.07 a.m. to provide an opportunity for the Members to read the documents circulated and reconvened at 10.38 a.m.

The Principal Environmental Protection Officer presented a report asking the Sub-Committee to consider an application for the renewal of a Hackney Carriage vehicle licence from Mr Atkinson, a Hackney Carriage proprietor, prior to his current licence expiring. Within the report, the Officer highlighted the age of the vehicle and that Mr Atkinson had submitted a similar request to re-licence the same vehicle in 2018. The application had been heard on 4 July 2018 and had been granted for one year. The Principal Environmental Protection Officer explained that if granted, the Council would again be required to dispense with the current vehicle age limit policy in this instance, if deemed appropriate, as the vehicle in question was more than ten years old and was not a wheelchair accessible vehicle. He went on to inform Members that the age restriction policy had been adopted to ensure that Hackney Carriages and private hire vehicles met modern safety requirements and provide the travelling public with reasonably up-to-date vehicles and that one of the unintended consequences of the policy was that it also ensured that the vehicle fleet would comply with the most recent vehicle emissions requirements.

Mr Atkinson, the applicant, was invited to present his case but informed the Sub-Committee that he had nothing further to add following the Principal Environment Protection Officer's report.

The Principal Environmental Protection Officer asked the Applicant if there were any exceptional circumstances to be taken into account and, if the licence was to be extended, if the Applicant felt he would gain an economic advantage over other licence holders. The Applicant responded by stating that the vehicle was a good asset to a family run business and he did not feel he would gain an unfair advantage.

Mr Atkinson responded to a question raised by a Member and stated that his vehicle was fit for purpose and there was no difference between his vehicle and a wheelchair accessible vehicle which could be licensed for up to 14 years.

Note – Following a vote, the Sub-Committee, together with the Legal, Governance and Democracy Specialist, Principal Environmental Protection Officer and Mr Atkinson, adjourned to view the vehicle at 10.45 a.m. and reconvened at 10.52 a.m.

Mr Atkinson was invited to make a closing statement but informed the Sub-Committee that he had nothing further to add.

Note – The Sub-Committee passed a resolution to adjourn the meeting to exclude the press and public and Mr Atkinson in making its decision, pursuant to Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated:-

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

29.07.2019

Licensing Regulatory Sub-Committee

The Sub-Committee, supported by the Legal, Governance and Democracy Specialist then withdrew to consider the circumstances put forward and subsequently reconvened to deliver the decision.

Having heard the facts of the case, having had regard to the Council's policy on vehicle age limits and having heard the representations made by Mr Atkinson, the Sub-Committee noted that the vehicle had been inspected by an independent, qualified engineer, who did not find any faults with the vehicle other than slight cosmetic damage. The Sub-Committee were therefore satisfied that, despite the age of the vehicle, it was of good working order and

RESOLVED – That the Council's age limit policy be dispensed with on this occasion and that Mr Atkinson be granted a renewal for his Hackney Carriage vehicle Licence for a further 12 month period, providing that the vehicle passed the required four monthly MOT tests.

The meeting ended at 11.00 a.m.