

LICENSING REGULATORY SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Regulatory Sub-Committee held in the Assembly Room, Kendal Town Hall, Kendal, on Monday, 21 June 2021, at 10.00 a.m.

Present

Councillors

Kevin Holmes

Helen Ladhams

David Webster

There were no apologies of absence.

Officers

Linda Fisher

Legal, Governance and Democracy Lead Specialist
(Monitoring Officer)

Sean Hall

Principal Specialist (Health & Environment)

Louisa Wania

Case Management Officer

LRS/1 ELECTION OF CHAIRMAN

RESOLVED – That Councillor Helen Ladhams be elected Chairman for the meeting.

LRS/2 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/3 DECLARATIONS OF INTEREST

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

LRS/4 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LRS/5 INTRODUCTIONS

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

LRS/6 APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE CONTRARY TO VEHICLE AGE LIMIT POLICY

The Principal Specialist (Health and Environment) presented a report asking the Sub-Committee to consider an application for the grant of a Private Vehicle Hire Licence, explaining that, if granted, this would require the Council to dispense with the current vehicle age limit policy, as the vehicle in question was more than five years old and was not a wheelchair accessible vehicle.

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The Applicant presented their case, noting that there has been much interest in Vintage Lakeland Tours, which he hoped to offer with the granting of the Private Vehicle Hire Licence.

The Applicant answered questions raised by Sub-Committee Members and the Principal Specialist (Health and Environment).

The Applicant presented the vehicle to Members, one person at a time. The Sub-Committee, supported by the Legal, Governance and Democracy Specialist (Monitoring Officer) then withdrew to consider the application.

The meeting was reconvened at 11.41 a.m. and the Legal, Governance and Democracy Specialist (Monitoring Officer) communicated the Sub-Committee's decision.

The Sub-Committee having heard the facts of the case, having reviewed the personal references and heard the representations made by the Applicant, having carefully considered the circumstances of the application and the SLDC Hackney Carriage and Private Hire Licensing Policy –

RESOLVED – That: -

- (1) the application to licence a Hackney Carriage Vehicle contrary to the Vehicle Age Limit Policy be refused for the vehicle bearing the registration mark YW 7340. For the reasons outlined below; and
- (2) the application for an exemption from the requirements to display private hire plates and signage because of the nature of the vehicle and signage is refused for the vehicle bearing the registration mark YW 7340. The Sub Committee decision on the first application being refused this application is also refused there being no licence approved.

Reasons for Decisions:

Application to licence a Private Hire Vehicle contrary to the Vehicle age policy.

The Sub Committee considered the report and appendices presented to the Committee, the representations from the applicant Mr Heaps and all responses to questions asked by the Sub Committee members. The Sub Committee also were taken round the vehicle by the applicant.

The Sub Committee having considered the provisions of The Local Government (Miscellaneous Provisions) Act 1976 and all other relevant Legislation and the Councils Policies made the following decision:

That the application is REFUSED as the Sub Committee were not satisfied that the issuing of the licence would be safe under Section 48 (a) (iv) of the Local Government (Miscellaneous Provisions) Act 1976.

Firstly due to the absence of seat belts in the vehicle for passengers, this was considered to be a safety risk to passengers and further the applicant had not adequately considered child passengers and arrangements for their safety.

Secondly the absence of a break test report.

Thirdly the absence of hazard warning lights.

The Sub Committee also noted the absence also of an up to date V5.

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The meeting ended at 11.49 a.m.