

### 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, 18 September 2017, at 10.02 a.m.

#### Present

#### Councillors

Alvin Finch

Helen Irving

Mel Mackie

#### Officers

Una Bell

Assistant Committee Services Officer

Nicola Hartley

Senior Solicitor

Tony Houlihan

Licensing Officer

#### **LRS/27 ELECTION OF CHAIRMAN**

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

#### **LRS/28 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/29 DECLARATIONS OF INTEREST**

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

#### **LRS/30 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

RESOLVED – That it be noted that there are no excluded items on the Agenda.

#### **LRS/31 INTRODUCTIONS**

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

#### **LRS/32 APPLICATION TO LICENSE A PRIVATE HIRE VEHICLE - DS05 17-18**

The Licensing Officer presented a report which requested consideration of an application from a private hire operator, Airport Services UK Ltd, to license a private hire vehicle for the first time. If granted, the Council would 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 five years old and was not a wheelchair accessible vehicle.

David Birkett, Transport Manager, representing Airport Services UK Ltd, presented their case.

The Sub-Committee asked questions of the applicant and it was highlighted that at Appendix A, the certificate of motor insurance referred to a different vehicle. The applicant

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acknowledged that the incorrect certificate had been provided and that he would forward the correct document to the Licensing Officer.

Clarification was sought regarding the requirement of an MOT Test seven months after the previous MOT Test.

The Sub-Committee, together with the Senior Solicitor and Assistant Committee Services Officer, adjourned to view the vehicle at 10.16 a.m. and reconvened at 10.25 a.m.

*Note – the Sub-Committee passed a resolution to adjourn the meeting to exclude the applicant, 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.*

The Sub-Committee, supported by the Senior Solicitor and Assistant Committee Services Officer, withdrew to consider the circumstances put forward and then reconvened to deliver the decision.

Having heard the facts of the case, and having heard the representations made by Airport Services UK Ltd, the Sub-Committee considered the circumstances put forward and

RESOLVED – That

(1) the vehicle is fit for purpose and that Airport Services UK Ltd should be granted a private hire vehicle licence for a 12 month period, subject to the Licensing Department receiving the necessary insurance documentation; and

(2) the Sub-Committee considered the Policy regarding the age limits of vehicles licensed as private hire vehicles and the fact that the vehicle had been inspected by an independent, qualified engineer who did not find any faults with the vehicle and said that it was 'in good condition'. The Sub-Committee were therefore satisfied that despite the age of the vehicle, the vehicle is of good working order.

The meeting ended at 10.40 a.m.