

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Monday, 28th March, 2011 at The Tatton Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey, W T Beard, J Goddard and C Tomlinson

OFFICERS PRESENT

Mrs N Cadman (Licensing Officer), Mrs S Dutton (Solicitor) and Mr J Hopper (Licensing Officer)

49 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

50 APOLOGIES FOR ABSENCE

There were no apologies for absence.

51 DECLARATIONS OF INTEREST

None.

52 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 as appropriate of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

53 10-11/18 - APPLICATION FOR EXEMPTION FROM THE REQUIREMENT TO DISPLAY LICENCE PLATES ON A PRIVATE HIRE VEHICLE AND REMOVAL OF PRIVATE HIRE CONDITIONS

The Sub-Committee considered a report regarding a request to grant a Private Hire Vehicle Licence in relation to a Volkswagen Caravelle People Carrier; (ii) to exempt the vehicle from the requirement to display signage as required by Condition 7 of the Cheshire East Borough Council Private Hire Vehicle Licensing Conditions; (iii) to exempt the vehicle from the requirement under Condition 8 to display licence plates to the front and rear of the vehicle; and (iv) to approve the waiver of Condition 2.7 as it

relates to tinted windows.

The applicant attended the meeting and made representations in respect of the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the applicants oral and written representations, the following course of action had been agreed.

RESOLVED –

The Committee determined to approve the grant of a private hire vehicle licence to the Volkswagen Caravelle subject to the removal of the standard condition 2.7 (tinted windows) and subject to otherwise passing the vehicle inspection from the Council's approved test centre.

The Committee had also been asked to consider the application of special condition 10 of the Private Hire Vehicle Conditions to this vehicle. The Committee took into account the business case provided by the applicant and the fact that he has been successfully operating 'exempt vehicles' under Special Condition 10 of the Council's Private Hire Vehicle Conditions since 2003.

The Committee determined to attach special condition 10 to the licence thereby exempting the vehicle from the requirement to display signage (condition 7) and from the requirement to display licence plates to the front and rear of the vehicle (condition 8).

In accordance with special condition 10, the notice of grant should be carried in the vehicle at all times and the identification badge supplied by the Council should be displayed in the windscreen of the vehicle.

54 10-11/19 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Hackney Carriage/Private Hire Driver's Licence who had been accused of overcharging a customer and incivility.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Licence Holder and complainant attended the meeting and made representations in respect of the licence.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the licence holder and complainants oral and written representations, the following course of action had been agreed.

RESOLVED – That the applicant was a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee in reaching this decision wished to emphasise that the role of taxi driver was one which involved a position of responsibility for the safety of the public. Therefore it was of great importance that taxi drivers followed the rules, both of the criminal law and also the conditions attached to the licence. The Committee would take a serious view of any breach of the conditions or any future convictions.

55 10-11/20 - APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including the applicant's oral representations, the following course of action had been agreed.

RESOLVED –

That the application for a licence to drive Hackney Carriages and Private Hire Vehicles be granted subject to the following conditions:-

1. That the licence is reviewed 6 months from grant of the licence at which time the applicant must provide references from any person who employed him during that time.
2. That there is a further review 12 months from the grant of the licence when the applicant must again produce references from any person who employed him during that time.

3. At the 12 month review the applicant must produce a CRB check (undergone at his own expense)
4. That the applicant inform the Council immediately of any complaints or pending prosecutions against him.

The licence was also subject to the requirement that the applicant successfully completed the Council's Hackney Carriage/Private Hire theory test. The applicant was reminded of the right to appeal to the Magistrates Court within 21 days.

The meeting commenced at 10.00 am and concluded at 12.25 pm

Councillor P Whiteley (Chairman)