

Minutes of a Meeting of the Regulatory Sub-Committee held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Monday, 17 April 2023 at 10.00 am

**Present:**

Cllr Tony Lock (Chair)

Cllr Leigh Redman

Cllr Connor Payne

**In attendance:**

Angela Cox

Rachel Lloyd

Ann Chislett

John Rendell

**Other Members present remotely:**

None

**1 Apologies for Absence - Agenda Item 1**

There were no apologies for absence.

**2 Declarations of Interest - Agenda Item 2**

There were no declarations of interest.

**3 Procedure to be followed when considering Licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement - Agenda Item 3**

The Regulatory Sub-Committee noted the procedure to be followed when considering the Licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement. The Chair introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chair confirmed that the Officer's report relating to the case, the procedure to

be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting.

The applicant stated that they had not received a copy of the agenda papers prior to the meeting and the Chair agreed to a 5 minute adjournment to allow them to read the papers. At the conclusion of the adjournment the applicant confirmed they were happy to proceed with the hearing.

#### **4 Application for a private hire vehicle licence - Agenda Item 4**

The Licensing Specialist advised that the vehicle proposed within the application did not conform with the requirements of the relevant legacy Hackney Carriage and Private Hire Licensing Policy, which required new vehicle applications to meet the European Emission Standard (EURO) 6 emissions. She noted that the policy was on the Council's website and the declaration on the application asked applicants to confirm they had read the policy. Therefore the officers recommendation was to refuse the application in accordance with the policy.

The applicant stated that they had purchased a good low mileage vehicle in excellent condition and were unaware of the of the EURO 6 emission requirement which they would have expected to be made aware of by the licensing authority. They drew attention to a neighbour's vehicle which had been licensed in January 2023 which was a EURO 5 emissions vehicle and questioned why that had been allowed. They also drew attention to business lost due to the non-plating of the vehicle.

In response to questions from Members, the applicants confirmed:

- That they had completed the application form correctly
- They already had a EURO 4 standard vehicle which they could continue to use
- They had held a private hire license since 2004
- They had not been made aware of the change to the Licensing Policy in April 2022.

At the conclusion of the debate, all parties confirmed that they were satisfied with the conduct of the hearing.

The applicant then withdrew from the room to allow Members of the Regulatory Sub-Committee, the Specialist - Legal and the Case Officer – Strategy & Commissioning, attending in an advisory capacity only, to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Specialist.

When the meeting reconvened, the Chairman informed those present at the hearing of the decision of the Regulatory Sub-Committee:

The Regulatory Sub-Committee hearing held on Monday 17 April 2023 in respect of a Hackney Carriage/Private Hire Drivers Licence under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 resolved to REFUSE the application for the following reasons.

- The Sub-Committee fully considered the application and the submissions of the Licensing Officer and the representations made by the applicant and all relevant information at the hearing.
- The Committee was mindful that there was a requirement for applicants to be aware of all policies when applying for a Private Hire Drivers Licence and they took into account that the applicant had signed the application confirming that they had read the policy.
- It is important for the Council to follow the environment strategy which actively encourages applicants to invest in vehicles which offer the best environmental standards.
- The applicant was advised that each application was based on its own merits.
- The personal (including financial) circumstances of the applicant was not a material consideration in determining the application.
- The applicant had not supplied any further evidence or sufficient reasons to satisfy the Sub-Committee that there are exceptional reasons to depart from the environment vehicle standards requirements of the policy.

There is a right of appeal to the Magistrates' Court against the refusal of the Council to grant a licence. Such an appeal is to be made within 21 days from the date of the decision letter and should be made to the South Somerset Magistrates' Court.

**(The meeting ended at 11.30 am)**

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**CHAIR**