

GATESHEAD METROPOLITAN BOROUGH COUNCIL

REGULATORY COMMITTEE MEETING

Tuesday, 26 April 2016

PRESENT: Councillor

Councillors: W Dick, M Charlton, D Davidson,
B Goldsworthy and A Thompson

APOLOGIES: Councillors K Dodds, C Bradley, M Brain, B Oliphant and
P Ronan

RC56 APOLOGIES

Apologies for absence were received from Councillors K Dodds, C Bradley, M Brain, B Oliphant and P Ronan.

RC57 MINUTES

RESOLVED - That the minutes of the last meeting be approved as a correct record.

RC58 NEW APPLICATIONS FOR VEHICLES OVER 3 YEARS OLD TO BE LICENSED

RESOLVED - the Committee decided not to grant a Private Hire licence in respect of the vehicle for the following reasons:-

The Committee had regard to the information contained in the Licensing Officer's Report dated 19 April 2016, including that the vehicle had been tested by the Council's vehicle inspector on 18 April 2016 and had been found to be roadworthy.

The Committee were mindful that holding a Private Hire Vehicle licence is a privilege and not a right, and that under the Local Government (Miscellaneous Provisions) Act 1976, licensing authorities must not permit a vehicle to be licensed unless they are satisfied that the vehicle is suitable to be licensed.

The Committee noted that the starting point in the Council's policy is that the vehicle's age indicated that it was not suitable to be licensed. The applicant was asked whether there was anything exceptional about the individual circumstances that could justify deviating from the Council's policy. The applicant stated that he was aware of the Council's policy when he purchased the vehicle, but did so in any event as it was cheaper to buy that vehicle than one that would have satisfied the Council's policy.

The applicant was asked if he had any information concerning the vehicle's current level of emissions, and stated that he did not.

The Committee found that the information provided by the applicant did not provide good reason to deviate from the Council's policy as the economic factors relevant to the vehicle's purchase were irrelevant to the vehicle's suitability to be licensed.

The applicant was also advised that as he was aggrieved by the Committee's decision he has the right to appeal to Gateshead Magistrates' Court within 21 days of the decision. As the applicant was in attendance at the hearing and was duly notified of the decision at that time, any such appeal should be brought within 21 days of the hearing date.

RC59 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the remaining business in accordance with the indicated paragraphs of Schedule 12A of the Local Government Act 1972.

RC60 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ISSUES (PARAGRAPH 7)

- RESOLVED -
- i) the Committee decided to adjourn determination of application RC/07/16 (Renewal of Private Hire Driver Licence) until the next available hearing following the outcome of the criminal proceedings in respect of the alleged speeding offence that occurred on 8 December 2015; and
 - ii) should the applicant's DVLA licence be endorsed with three penalty points as a result of his acceptance of a Fixed Penalty Notice in respect of the offence, then the Service Director of Development and Public Protection shall be duly authorised to grant the licence for a period of one year, subject to the Council's standard Private Hire Driver licence conditions.
 - iii) the Committee decided to approve application RC/08/16 (Review of Private Hire Driver Licence) but the applicant will be issued with a strict warning in respect of his future driving conduct

Chair.....

