

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE
HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE,
HADLEIGH ON FRIDAY, 4 APRIL 2014 (2.00 P.M.)

PRESENT: Mr A J Ward - Chairman
Mr R E Kemp Mr N A Ridley

In attendance to make representations were:-

Mr L Carvell – Corporate Manager – Licensing
Ms I Jaeger – Licensing Officer (witness)
The Applicant
Mr M Heselden of Bates Wells and Braithwaite (the Applicant’s Representative)

The following were in attendance at the hearing:-

Mr J Reed – Senior Solicitor (Legal Adviser to the Committee)
Mrs L Sheppard – Senior Governance Support Officer

1 DECLARATION OF INTERESTS

None declared.

2 QUESTIONS FROM MEMBERS

None received.

3 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

RESOLVED

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public be excluded from the meeting for the business specified below on the grounds that if the public were present during this item it is likely that there would be the disclosure to them of exempt information as indicated against the item.

The Committee was also satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

4 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE PROPRIETOR’S
(VEHICLE) LICENCE (Exempt information by virtue of Paragraph 1 of Part 1)

The hearing was opened at 2 p.m. by the Chairman of the Committee, who introduced the Members, Officers and other persons present. The meeting was then adjourned to enable Members, accompanied by the other parties, to view the vehicle subject of the application. All parties returned to the Council Chamber and the meeting resumed at 2.10 p.m.

The Corporate Manager – Licensing presented a report ([Paper N127](#)) submitted by the Head of Environment asking Members to determine whether to grant or refuse a licence for an additional long wheel base vehicle as applied for by the Hackney Carriage Proprietor referred to in the report.

The Corporate Manager then called his witness, Ms Jaeger – Licensing Officer, who responded to his questions and those from Members and the Applicant’s Representative about the process which had been followed by the Applicant, and the usual arrangements for such applications. Members noted that normal practice was for applicants to contact the Licensing Team and that Ms Jaeger frequently responded to questions about local hackney carriage activity and proposed vehicle suitability.

The Corporate Manager also clarified the Strategy Committee approved (2009) Babergh strategy on addressing relevant issues, including quantity control and zone amalgamation, and updated the Committee on its current effect on the number of spaces and general taxi availability throughout the controlled zone of the Babergh District.

The Applicant’s Representative then addressed the Committee, making specific reference to the differences between the ‘long wheel base’ (LWB) and other vehicles and the relative dimensions of the vehicle subject of the application, and the reasons for the Applicant not approaching the Licensing Team in advance. He responded to questions from Members and the Corporate Manager – Licensing.

The Corporate Manager clarified for Members the position regarding those requirements of the Disability Discrimination Act (relevant to this application) which were referred to by the Applicant’s Representative but which had been repealed by the Equality Act 2010. It was explained that some provisions had been replicated by the Equality Act 2010, including assistance dogs, but others were still dormant including those which may reduce local discretion on licensing accessible vehicles.

The Corporate Manager and the Applicant’s Representative then made their closing addresses to the Committee, following which the relevant parties withdrew from the meeting to enable Members to deliberate the application.

Members in considering their determination took into account all the information available to them, including the explanations offered by the Applicant’s Representative in relation to the Applicant’s lack of contact with the Licensing Team prior to purchasing the vehicle and making the application.

The parties were then called back into the meeting and the decision of the Committee (which was unanimous) was notified as follows:-

After careful consideration of all the issues raised at the hearing, Members agreed to grant the application but to draw the Applicant’s attention to the benefit of prior consultation with the Council’s Licensing Team and the Team’s willingness to assist in this way. Members considered that other issues identified during the course of the hearing for this application should be addressed through a review of the current terms and conditions of such licences.

RESOLVED

- (1) That the Applicant referred to in [Paper N127](#) be granted a Hackney Carriage Proprietor's Licence for the vehicle SF14 AAN, subject to the Council's standard Terms and Conditions of Licence which apply to hackney carriages. Further, that no additional conditions be attached beyond those standard conditions.**
- (2) That the Applicant's attention be drawn to the request to contact the Council's Licensing Team well in advance to discuss matters relating to potential applications to license LWB vehicles to enable maximum assistance to be offered.**
- (3) That the Corporate Manager – Licensing be asked to present a report to a future meeting of the Regulatory Committee to enable Members to review the Terms and Conditions of Licence for hackney carriages.**

The business of the meeting was concluded at 3.20 p.m.

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Chairman