

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 3 April 2024

Meeting time: 6.00 pm - 6.40 pm

In attendance:

Councillors:

David Willingham (Chair), Angie Boyes (Vice-Chair), Diggory Seacome and Simon Wheeler

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

Apologies received from Councillor Chidley.

2 Declarations of Interest

There were none.

3 Application for a Hackney Carriage Vehicle Proprietor's Licence - Bailey PHV451

The Licensing Team Leader introduced the report as published.

There were no Member questions for the Officer.

The applicant addressed the committee and made the following points:

- Needed to replace the vehicle as it was tired and had done over 300,000 miles.

- Question of whether to relicense the hackney vehicle for a few months or to go private hire as he did a mixture of rank work, airport and semi executive work.
- Prospect of driving a van not suitable for the majority of customers, therefore forced to go down private hire route.

The applicant provided the following responses to Member questions:

- Wasn't aware that the policy had changed as didn't have hackney licence and had no reason to come into town. As private hire didn't have contact with other drivers to be aware of change in policy. Only discovered after noticing a saloon car with hackney licence plate and then contacted the licensing team. Only gave up licence on basis of the previous policy.
- Had an operator's licence and always worked independently.
- Would replace the vehicle as soon as possible, will need to find one and test it.
- Would be dependent on the result of this committee.

The matter then went to debate where Members raised the following points:

- Would be pragmatic to operate a mixed fleet.
- Feel convinced that the applicant has only just realised things have changed and that they would not have to change their vehicle. Do not see the harm in allowing the applicant to change back to hackney licence.
- Concerned it will open up to more of these cases.
- Driver has explained that they have a mixture of work which would lend itself to a saloon vehicle.
- Each case on its own merits and this is an exceptional case and think the applicant has been very genuine and wants to keep working.
- In broad agreement with everyone else.
- Concerned about the delay but applicant has addressed that as not a resident of Cheltenham and didn't work for an operator so unaware of policy change.
- Need to consider impact of this for equality duty and one vehicle going back to hackney licence will not have huge impact.
- Key takeaway is that if there are other cases like this have no doubt that officers will carry out due diligence in checking information presented to them.

The Licensing Team Leader clarified the following:

- To differentiate from any similar future cases this applicant has demonstrated variances in their circumstances, doesn't live in Cheltenham and has worked independently without any interaction or engagement with other taxi drivers who would have been likely to be aware of policy change.

The applicant was given final right of reply and had nothing further to add.

The matter then went to the vote on 1.11a:

Unanimous – application granted.

4 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There were none.

The Chair thanked Councillor Seacome for all his work on the licensing committee past and present.