



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	TUESDAY, 6 DECEMBER 2016 COMMENCING AT 10.00 AM
Venue	CONFERENCE ROOM 4, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Julie Jones-Evans (Chairman), Reg Barry, Richard Hollis
Officers Present	Sarah Macdonald, Julie Martin, Justin Thorne, Kevin Winchcombe

7. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [31 August 2016](#) be confirmed.

8. **Declarations of Interest**

There were no declarations received at this stage.

9. **Report of the Head of Place**

[An application for a deviation from policy for a hackney carriage vehicle licence for a Peugeot 5008 for Mr Roy Ball](#)

Consideration was given to the report of the Head of Place, providing details of an application for a Hackney Carriage Vehicle Licence received in accordance with the Town Police Clauses Act 1847.

Prior to hearing the licensing officer's presentation, members adjourned to view the applicant's vehicle in order to assist in making their decision. The Sub Committee then followed the agreed procedure, which had previously been circulated to all parties prior to the meeting.

During the hearing, members raised questions regarding the number of passengers the vehicle could take and were advised that it was a criminal offence not to take the number of passengers the vehicle was licensed for. The Licensing Authority had adopted a policy that stated you should allow sufficient room for luggage for the number of passengers you licence the vehicle for; the committee was being asked to depart from that policy.

After hearing the application, the Sub Committee presented the following decision and the reasons for that decision.

RESOLVED :

THAT upon receiving the report of the licensing section, members determination was that they saw no good reason to depart from the adopted policy requirement for contained within Paragraph 3.1.10 of the Council's current Policy which stated that suitable storage for passenger luggage, ideally separated from the passenger compartment, should be provided.

Application:

A Hackney Carriage Vehicle Licence for a Peugeot 5008 belonging to Mr Roy Ball

Resolution:

THAT the application for a Hackney Carriage Vehicle Licence for a Peugeot 5008 belonging to Mr Roy Ball be refused in accordance with the application.

Reasons for Decision:

It was the council's view that the policy requirement to promote and ensure safe, comfortable and convenient functioning of the taxi fleet was a sound and good reason for refusing the request. Members did not consider there was sufficient space to accommodate 6 passengers comfortably with their luggage. Members were also mindful that it could encourage similar requests from other proprietors.

Members also considered the request to grant a licence to carry 5 passengers. Members were mindful of the luggage of 5 persons in close proximity to users and did not consider it would be safe to carry luggage in such an unsegregated manner. Any future application for 5 would need to demonstrate the ability to securely carry 5 persons luggage.

In reaching the decision, the Sub Committee had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6 and believe this is a reasonable and proportional discharge of its discretion under the act above.

All parties were advised that they had a right of appeal to the Crown Court if they were dissatisfied with the decision, and that any such appeal had to be made within 21 days from the date of notification.

Details :

As per application.

Public Participants:

Roy Ball (Applicant)