

## **COUNCIL MEETING – 26 MARCH 2020**

### **REPORT OF THE LICENSING (REGULATORY) SUB-COMMITTEE**

9 March 2020

Present: Councillors Simmons (Chairman) and V Waters.

Also present: Mr M O'Donnell (Team Leader – Health Protection), Mrs A Walton-Miller (Legal Adviser/District Law) and Miss E McGinlay (Electoral Services Officer).

The meeting commenced at 9:50am.

#### **1. APPOINTMENT OF CHAIRMAN AND APOLOGIES**

**RESOLVED** that Councillor Simmons be appointed as chairman for this sub-committee and that apologies were received from Councillor Maguire.

#### **2. DECLARATION OF INTEREST**

There were no declarations made.

#### **3. APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE**

The circulated exempt report of the director of place and strategic growth was received in relation to an application for a private hire vehicle license.

The chairman welcomed the applicant to the meeting and introduced everyone present.

The team leader (health protection) presented the report to the sub-committee and explained that an application had been received for a private hire vehicle license. He confirmed that the vehicle in question did not meet the council policy in relation to engine capacity, which states that a vehicles engine capacity must be no less than 1,400cc or 90BHP.

It was noted that the applicant had recently taken the car to a garage and had modification works undertaken to increase the engine capacity from 75BHP to 100BPH to meet licensing requirements.

It was noted that the council's policy was to use the DVLA log book (V5 certificate) to check engine capacity and as such, the applicant would need to ask if the change could be noted in the log book. It was confirmed at the meeting that the DVLA had since responded to the applicant to confirm that the change in BHP was not a material change and could not be added to the V5 certificate.

The chairman thanked the team leader (health protection) for the review of the case and asked the applicant if he had anything further to add.

The applicant confirmed that he bought the car to allow himself to earn more money as an owner-driver, rather than using a car owned by the taxi company. He noted that he was very frustrated to learn that it didn't meet the requirements after he had purchased it and admitted that it was a simple human error. He said that he prided himself on his exemplary service to the public; he was always polite and helpful and was one of the longest serving drivers in Wellingborough.

The chairman adjourned the meeting at 10:10am.

The meeting was reconvened at 10:50am.

**DECISION:**

**RESOLVED** that the application be granted for a private hire vehicle licence, subject to the correct paperwork being received and approved by the environmental health team.

**REASONS FOR DECISION:**

The sub-committee heard from the officer who presented the report and the applicant in person. The council's policy states that the engine capacity should not be less than 1400cc or 90BHP or equivalent. The sub-committee had sight of a tuning certificate dated 21.02.2020 showing that the vehicle had been re-tuned to 100BHP albeit the certificate was not signed and did not show who had carried out the re-mapping. From the information that was made available to the sub-committee it felt unable to make a decision today. The sub-committee requires the applicant to provide a copy of the invoice from the business that carried out the re-mapping works to support the certificate. They also require evidence that the applicant has notified his insurance company of the modification and that they have accepted the modification. This information should be provided to the licensing officer and, subject to receipt, the sub-committee would be agreeable to the vehicle license in respect of the vehicle being granted provided the vehicle also passes the checks of the council approved garage.

The meeting concluded at 10:55am.

Chairman