

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 25 May 2021 at 10.30 am.

Present:

Chairman: Councillor N J Collor

Councillors: T A Bond (as substitute for Councillor O C de R Richardson)
R S Walkden
C D Zosseder (as substitute for Councillor P M Brivio)

Officers: Contentious and Regulatory Lawyer
Licensing Manager
Technical Support Officer - Licensing
Democratic Services Officer

Also Present: Mrs S McWilliams (Minute No.5)

1 APOLOGIES

There were apologies for absence received from Councillors P M Brivio, S J Jones and O C de R Richardson.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors T J Bond and C D Zosseder were appointed as substitute members for Councillors O C de R Richardson and P M Brivio respectively.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting held on 17 November 2020 were approved as a correct record to be signed by the Chairman.

5 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES

The Licensing Manager presented the report to the Committee. An application from Mr David McWilliams had been received for the renewal of a Private Hire Vehicle Licence for a Vauxhall Zafira, registration DM06 SJM (a personalised plate). It was a six-passenger seat vehicle to be used for school runs and other private hire services. The vehicle fell outside of the current vehicle age policy, having been registered in November 2010, and having delegated authority to do so, the Licensing Team Leader had granted the previous renewals of the licence. The vehicle having now reached 10 years and 6 months of age, was referred to the Committee for a decision.

Mrs Sarah McWilliams attended the Hearing on behalf of her husband (the applicant) and was the main driver of the vehicle. The Committee, along with Mrs McWilliams and officers, withdrew to examine the vehicle. Upon returning to the

meeting room Mrs McWilliams had the opportunity to answer questions from Members about the use, condition and history of the vehicle.

The vehicle was used mainly for school runs and local journeys for residents in Aylesham, particularly the elderly, and was very rarely used for motorway journeys. Over the past five years approximately £4-5k had been spent on various parts including a new starter motor, clutch, radiator, wheel bearings and plugs and as a result was a very reliable, and also comfortable, vehicle. There were some scratches to the bodywork that Mrs McWilliams stated she would rectify should the Committee request her to do so and were minded to grant the renewal of the licence.

Having not been in a position to work very much during the past year as a result of Covid19, Mr and Mrs McWilliams were not in a position to replace the vehicle and advised that another of their vehicles was currently off the road having broken down that morning.

During discussions the Licensing Manager advised there was an error in the application and the vehicle was not a prestige vehicle for the provision of prestige chauffeur services.

In accordance with the approved procedure, the Committee and the Contentious and Regulatory Lawyer withdrew from the meeting to consider its decision. Members considered the perception by the public of the vehicle's condition and expressed concern at the amount of work that had had to be carried out. Having also factored in the age of the vehicle, they concluded the vehicle was nearing the end of its serviceable life as a private hire vehicle. However, they acknowledged that the past year had been a difficult time with a reduced income to be able to replace the vehicle immediately.

RESOLVED: That, on the basis that all seat covers are replaced and the bodywork scratches are dealt with and, notwithstanding the Council's current policy guidelines, Mr D McWilliams be granted the renewal of a Private Hire Licence for a Vauxhall Zafira, registration DM06 SJM for six months only. The committee stated that no further renewal beyond these six months would be considered.

The meeting ended at 11.17 am.