

Licensing and Regulatory Sub-Committee



Forest Heath
District Council

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Monday 22 May 2017** at **2.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Brian Harvey
Carol Lynch Nigel Roman

35. **Apologies for Absence**

There were no apologies for absence.

36. **Substitutes**

There were no substitutes at the meeting.

37. **Election of Chairman**

It was unanimously

RESOLVED:

That Councillor Brian Harvey be elected as Chairman.

38. **Application for the Exemption from Restrictions on Advertising in Hackney Carriage and Private Hire Handbook (Driving Miss Daisy, Newmarket) (Report No: LSC/FH/17/001)**

The Chairman welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to the Panel were made.

The following parties were present at the Hearing:

(a) Applicants

(i) Mr Michael and Mrs Bridgette Banham

The Licensing Enforcement Officer presented the report which explained that an application had been received for exemption from the Private Hire Vehicle Licence Conditions: Point 9 Advertisements by the Newmarket franchise of Driving Miss Daisy; in order to enable the brand vehicle livery to be used.

A letter setting out the request for dispensation was attached at Appendix 1 with the images showing the design of the brand livery at Appendix 5.

Following advertisement of the application two representations had been received from interested parties objecting to the application, these were attached at Appendix 6.

The Officer also outlined the steps available to Members in reaching determination of the case before them.

The applicants had brought with them copies of supplementary documentation in support of their application. However, the Chairman confirmed that the Sub-Committee would not be taking this into consideration at this late stage.

The applicants were then invited to make their submission in support of their case.

Mr Michael Banham explained that Driving Miss Daisy was a 'companionship service' rather than purely a private hire vehicle. The service was predominately for individuals with particular needs such as dementia, autism or the elderly/vulnerable. Driving Miss Daisy helped these individuals to maintain a degree of independence and remain involved in their local community whilst being safeguarded.

Mrs Bridgette Banham advised that the brand design of the advertising (livery) was developed specifically to aid dementia suffering clients with visual perception issues. The brand was used in all countries where Driving Miss Daisy operated on the basis that the design and colours enabled users to easily recognise the vehicle and to offer comfort and reassurance.

After hearing the submission and asking questions of the parties present the Sub-Committee invited the applicant to sum up. Following which Members retired to another room to give further consideration to the application.

On returning to the Council Chamber the Lawyer (Licensing and Regulatory) advised all on the Sub-Committee's decision.

With the vote being unanimous, it was

RESOLVED:

That the application be **REFUSED**. Whilst the Sub-Committee considered the matter very carefully, and acknowledged the excellent service provided by the Applicants, they were not convinced that it was sufficient justification to depart from the Council's adopted policy.

The applicants would be advised on the right of appeal by Licensing Officers outside of the meeting.

The meeting concluded at 2.48 pm

Signed by:

Chairman
