

## **LICENSING SUB-COMMITTEE**

Friday 23 June 2017

### **Present:**

Councillors Brimble, Holland and Owen

### **Also Present:**

Litigation Solicitor, Acting Principal Licensing Officer and Democratic Services Officer (Committees) (HB)

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### **APPOINTMENT OF CHAIR**

Councillor Holland was appointed Chair for this meeting.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

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### **APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE OVER 4 YEARS OLD**

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Acting Principal Licensing Officer presented an application from Mr GP to grant a Private Hire Vehicle Licence in relation to a vehicle which was over four years old.

Mr P spoke in support of the application. He had supplied a copy of the current MOT certificate and an independent mechanical inspection report.

He advised that the vehicle was wheelchair accessible with passengers able to face forward and that the car was serviced every 20,000 miles.

**RESOLVED** that the application for the grant of a Private Hire Vehicle licence for a vehicle which was over four years old, be approved.

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### **APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE OVER 4 YEARS OLD**

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Acting Principal Licensing Officer presented an application from Mr MB to grant a Private Hire Vehicle Licence in relation to a vehicle which was over four years old.

Mr B spoke in support of the application. He had supplied a copy of the current MOT certificate and an independent mechanical inspection report.

He reported that the car was serviced every year with a minor service after every 10,000 miles and a major service after 20,000 miles. He responded to the comments within the MOT and mechanical inspection report, the observation of the mechanic undertaking the latter being that no works were required at present. Members felt that the issues identified should be attended to as quickly as possible.

Although working on the private hire circuit in Exeter, Mr B also had a hackney carriage plate on his vehicle. He advised that the plate had been issued by East Devon District Council but that his licence would expire at the end of June. The Acting Principal Licensing Officer advised that Hackney carriage vehicles can legitimately work for a private hire operator in another licensing authority area, but that vehicle proprietors were encouraged to licence the vehicle in the licensing area where they principally work.

**RESOLVED** that:-

- (1) the application for the grant of a Private Hire Vehicle licence for a vehicle which was over four years old be approved, subject to the Licensing Authority receiving evidence that rectification of the leak from the near side drive shaft seal has been carried out;
- (2) the works set out in (1) above must be carried out within 28 days;
- (3) a temporary licence be granted by the Licensing Authority for 28 days;
- (4) evidence of rectification of the defect must be provided to the Local Authority within 28 days;
- (5) if the above issue is not addressed within 28 days the vehicle will no longer be licensed;
- (6) upon satisfactory evidence of ratification being produced, authority to issue a further licence, is delegated to the Principal Licensing Officer OR Environmental and Licensing Manager; and
- (7) in the event that the applicant is aggrieved at this decision, the applicant may appeal to a Magistrate's Court within 21 days after service of the notice of decision.

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#### **APPLICATION TO RENEW A PRIVATE HIRE VEHICLE OVER 8 YEARS OLD**

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Acting Principal Licensing Officer presented an application from Mr MC to grant a Private Hire Vehicle licence in relation to a vehicle which was over eight years old.

The Chair invited the applicant to outline the scope of his work and also provide an outline of the service history of the car.

Mr C spoke in support of the application. He had supplied a copy of the current MOT certificate and an independent mechanical inspection report.

He reported that the car was serviced every 10,000 miles and he undertook to carry out necessary rectification works including those relating to oil leakage and lights.

**RESOLVED** that:-

- (1) the application for the renewal of a Private Hire Vehicle licence for a vehicle which was over eight years old be approved subject to the Licensing Authority receiving evidence that the following rectification works have been carried out:-
  - (a) cloudy front headlights;
  - (b) rear brake pads;
  - (c) oil leak; and
  - (d) nearside front fog lights;
- (2) the works set out in (1) above must be carried out within 28 days;
- (3) a temporary licence be granted by the Licensing Authority for 28 days;
- (4) evidence of rectification of the defects must be provided to the authority within 28 days;
- (5) if the above issues are not addressed within 28 days the vehicle will no longer be licensed; and
- (6) in the event that the applicant is aggrieved at this decision the applicant may appeal to a Magistrate's Court within 21 days service of the notice of decision.

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### **APPLICATION TO RENEW A PRIVATE HIRE VEHICLE OVER 10 YEARS OLD**

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Acting Principal Licensing Officer presented an application from Mr NB to grant a Private Hire Vehicle licence in relation to a vehicle which was over ten years old.

The Chair invited the applicant to outline the scope of his work and also provide an outline of the service history of the car.

Mr B spoke in support of the application. He had supplied a copy of the current MOT certificate and an independent mechanical inspection report.

He reported that the car was serviced twice a year and that the relatively low mileage for a taxi of 120,000 miles was attributable to usage being limited to two periods – October/November and May/June to coincide with the periods of busier student trade and to the reduced number of longer journeys he now made.

**RESOLVED** that:-

- (1) the Sub Committee is concerned that the vehicle is over ten years old, and the Council's policy is that vehicles presented for renewal that are more than ten years old should not be granted a licence;
- (2) the Sub Committee noted the evidence produced showing that the vehicle is mechanically sound and that the vehicle is used only for four months of the year. Therefore the Sub Committee is willing to make an exception; and
- (3) the application for the renewal of a Private Hire Vehicle licence for a vehicle which was over ten years old be approved for a period of six months.

(The meeting commenced at 10.00 am and closed at 12.35 pm)

Chair