

## **LICENSING SUB-COMMITTEE**

Friday 15 September 2017

### **Present:**

Councillors Hannan, Holland and Sills

### **Also Present:**

Solicitor, Senior Licensing Officer and Democratic Services Officer (Committees) (MD)

44

### **APPOINTMENT OF CHAIR**

Councillor Holland was appointed as the Chair for this meeting.

45

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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

46

### **APPLICATION TO RENEW PRIVATE HIRE VEHICLE LICENCE 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 Senior Licensing Officer presented an application from Mr NDE to grant a Private Hire Vehicle Licence in relation to a vehicle which was over 8 years old at the renewal date. She explained that the vehicle was used under both a circuit and operator's license, with extensive use. The recorded mileage of the vehicle taken at the last MOT on 22<sup>nd</sup> August 2017 was 256498 miles. The MOT contained five advisories for recommended work to the car.

Mr NDE was in attendance and spoke in support of the application. He informed Members that he had purchased the car three years ago from Apple Taxis had been using the car to pick up customers and make long journeys to London and Bristol. He stated that he had been driving the car for three years, which the car had never had any issues. He explained three of the items on the advisories list had been resolved since his MOT and would be resolve the remainder items along with the brake fluid and pads at the next service before December 2017. He also informed that he was saving to buy a new vehicle.

The Senior Licensing Officer informed Members that the advertisement on the car was not permitted under the Private Hire Licence, which any advertisement was restricted to operators name and telephone number and prohibited advertising other businesses.

**RESOLVED** that the application for the grant of a 12 month Private Hire Vehicle licence for a vehicle which was over eight years old, be approved, with the condition that the following advisories be completed immediately:-

- a) Repair the damage to the windscreen ;
- b) Replace the nearside front tyre;
- c) Undertake a comprehensive check of the inner brake components;
- d) Replace brake fluid;
- e) Removal of the Exe Radio Advertisement.

47 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

48 **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE. TO DETERMINE IF THE APPLICANT IS FIT AND PROPER**

The Chair introduced the Licensing Sub Committee Members and Officers.

The Applicant had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing He explained that also set out Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor further stated that the onus was on the Applicant to demonstrate to the Licensing Sub-Committee on the balance of probabilities that he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Senior Licensing Officer presented the report and gave evidence in respect of the application.

The Applicant was in attendance and spoke in support of his application.

**RESOLVED** that the Licensing Sub-committee is not satisfied that the Applicant is a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle for the reasons set out in the Refusal Notice.

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The Senior Licensing Officer presented the report and gave evidence in respect of The Applicant and highlighted that two references had been received in support of the application.

The Applicant informed Members that he had applied for an Exeter taxi licence because he knew Exeter better than where he lived in Mid Devon. He further explained the circumstances of his conviction.

**RESOLVED** that the Licensing Sub-Committee is satisfied that the Applicant is a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle.

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**APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE. TO DETERMINE IF THE APPLICANT IS FIT AND PROPER**

It was acknowledged that there was an error in the report at paragraph 3.2. The report failed to state that the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Driver and Operators provides that where an applicant has been disqualified from driving by the Courts, the application will generally be refused unless a period of five years has elapsed since the return of the DVLA licence.

The Applicant had not been made aware of this part of the Council's policy prior to the hearing. He was offered the opportunity to reconsider his application and return to Licensing Sub-Committee at a later date. The Applicant wished to proceed with the hearing.

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**RESOLVED** that the Licensing Sub-committee is not satisfied that the Applicant is a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle for the reasons set out in the Refusal Notice.

(The meeting commenced at 10.00 am and closed at 1.15 pm)

Chair