

LICENSING SUB-COMMITTEE

Monday 25 September 2017

Present:

Councillors Spackman, Hannan and Owen

Also Present:

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

51

APPOINTMENT OF CHAIR

Councillor Spackman was appointed as the Chair for this meeting.

52

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

53

GRANT OF A LICENCE RELATING TO 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 Principal Licensing Officer presented an application from Mr MS to grant a Private Hire Vehicle Licence in relation to a vehicle which was over 4 years old at initial licensing and that the matter could not be dealt with under delegated powers.

He explained that the vehicle was a Mercedes E220 with four passenger seats and it had been first registered on 1st January 2012 and was licenced in Exeter as a private hire vehicle until 7th September 2017, when the licence had expired. As the licence had expired before it could be renewed, this matter had been referred to a Licensing Sub-committee for determination as a new private hire vehicle application.

The Principal Licensing Officer explained the policy with respect to renewal of licence plates that should the licence fail to be renewed on or before the expiry date shown on the licence that it would lapse. There was no provision for any extension of time after the expiry date.

He highlighted that the recorded mileage of the vehicle at the time of the last MOT (16th August 2017) was 157403 miles. The MOT and mechanical inspection report had been provided to Members which showed there were some areas requiring work for the vehicle such as coolant and wiper levels to be topped up and a chip on the windscreen.

Mr MS was in attendance and spoke in support of the application. He informed Members that he had not received the reminder for the renewal due to issues with post in the block of flats where he lived. He had also been away on holiday and only saw that his licence was about to expire when he got back. In response to questions from Members he explained that he had completed the MOT earlier that

day and that he would get the nearside light and chip on windscreen fixed. He informed Members that his vehicle was used for business and airport pickups, was serviced every 10,000 miles and that the next service was due in 2500 miles. He confirmed that he was the sole driver and took special care of his vehicle to ensure it was safe.

RESOLVED that the application for the grant of a new Private Hire Vehicle licence for a vehicle which was over four 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 light;

54 **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.

TOWN POLICE CLAUSES ACT 1847

55 **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 was not satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage.

(The meeting commenced at 10.15 am and closed at 11.25 am)

Chair