

## **LICENSING SUB-COMMITTEE**

Date: Friday 19 January 2018  
Time: 10.00 am  
Venue: Bad Homburg Room - Civic Centre

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email [Mark.Devin@exeter.gov.uk](mailto:Mark.Devin@exeter.gov.uk)

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

*Membership -*  
Councillors Brimble, Owen and Sills

### Agenda

#### **Part I: Items suggested for discussion with the press and public present**

**1 Appointment of Chair**

To appoint a Chair for the meeting.

**2 Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

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

To pass the following resolution:

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for items 5 and 6 on the grounds that if involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

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

## **TOWN POLICE CLAUSES ACT 1847**

**4 Application to renew private hire vehicle licence over 4 years old**

To consider the report of the Environmental Health and Licensing Manager.

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6)

**Part II: Item suggested for discussion with the press and public excluded**

**5 Application for the GRANT of a Hackney Carriage / Private Hire drivers licence. To determine if the Applicant is fit and proper**

To consider the report of the Environmental Health and Licensing Manager.

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**6 Application for the GRANT of a Hackney Carriage / Private Hire drivers licence. To determine if the Applicant is fit and proper**

To consider the report of the Environmental Health and Licensing Manager.

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- 14)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

## REPORT TO LICENSING (SUB) COMMITTEE

**Time and Date of Hearing:** 19 January 2018 PART 1 Matter

**Report of:** Environmental Health and Licensing Manager

**Type of Application:** GRANT of a licence relating to a Private Hire vehicle over 4 years old.

**Legislation:** Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

**Ward Application Refers to:**

Not Applicable

**Applicant:** Simon Hemmingway-Tuck

**Premises Address:** Not Applicable

### 1. What is the report about?

- 1.1.1 An application has been received from Mr Simon Hemmingway-Tuck a licensed taxi driver seeking permission for the grant of a private hire vehicle licence for a vehicle which is over 4 years old at initial licensing. This is a matter that cannot be dealt with under delegated powers.

### 2. Are there any representations?

- 2.1 There is no provision in the legislation for anyone to submit representations relating to this kind of application.

### 3. Report details:

- 3.1.1 The vehicle is a BMW 5L registration mark HJ12 VZG and seats 4 passengers. The vehicle was first registered on 30 April 2012, making the vehicle 6 years old at initial licensing. .
- 3.1.2 In relation to the maximum age of private hire vehicles the policy states that: *A licensing officer has delegated powers to issue vehicle licences to vehicles that are less than three years old at the time of first licensing and up to nine years old at renewal before they are considered too old.*
- 3.1.3 As the vehicle is between 5 and 6 years old the following paragraph from the policy would also be applicable: *Additionally a first licence may be issued to a vehicle that is more than three but less than four years old provided a report into the mechanical fitness of the vehicle has been undertaken. An application for the grant of a first private hire vehicle licence, where the vehicle in question is more than 4 years old, shall not be granted. However the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies.*
- 3.2 The recorded mileage of the vehicle at the time of the last MOT 3 October 2017 was 175,976 miles. The MOT is attached to the report. An independent mechanical inspection report has been requested for the vehicle, but this had not been returned by the time of writing. A copy of the report will be circulated prior to the hearing date.

#### **4. What are the legal aspects?**

- 4.1 The Licensing Sub-Committee are required only to ensure that public safety is not compromised by the granting of an extension of the licence. If they are satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

#### **5. Recommendations:**

- 5.1 The Licensing Sub-Committee are asked to determine the application having regard to current policy.

#### **Environmental Health and Licensing Manager**

##### **Local Government (Access to Information) Act 1972 (as amended)**

##### **Background papers used in compiling this report:-**

None

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275

#### **N.B THIS IS NOT PART OF THE REPORT**

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

##### **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE / DRIVERS LICENCES**

You are invited to appear before the Licensing Sub-Committee to speak in support of your application. A legal or other adviser may accompany you but may not appear instead of you.

#### **Your Application**

Depending on the circumstances, your application may be heard in part two of the Committee meeting procedures from which members of the public and press are excluded. You will be notified in advance if your application will be a part two matter, if you have not been advised of this, the hearing will be in the Public domain.

You or your adviser would be expected to respond to an officer's verbal introduction outlining the above report. You or your adviser may be asked questions and may be invited to ask questions if appropriate.

At the end of the hearing you will be asked to withdraw and the Committee will reach a decision. On conclusion of the decision making process you will then be recalled and the decision announced.



Driver & Vehicle  
Standards  
Agency

## MOT Test Certificate

MOT Test Number

116631295601

Vehicle Registration Mark

HJ12VZG

Vehicle Identification Number

WBAFW12050C845904

Make

BMW

Model

520

Colour

Black

Issuer's Name

C. FONE

Test Class

4

Country of Registration

Great Britain

Expiry Date

9 October 2018 (EIGHTEEN)

Issued

3 Oct 2017

Test Station

1744BH

Odometer Reading and History

3 10 2017: 175976 mi  
10 10 2016: 131822 mi  
5 10 2015: 91288 mi  
28 5 2015: 80822 mi

Inspection Authority

FIRST CALL MOT CENTRE  
UNIT 6  
CITY INDUSTRIAL ESTATE  
HAVEN ROAD  
EXETER  
EX2 8DD  
01392499866

Additional Information

To preserve the anniversary of the expiry date,  
the earliest you can present your vehicle for  
test is 10 September 2018.

Signature of Issuer

*Cfone*

Advisory Information

001 Tyre worn close to the legal limit Nearside Rear [4.1.E.1]  
002 Tyre worn close to the legal limit Offside Rear [4.1.E.1]  
003 Tyre worn close to the legal limit Nearside Front [4.1.E.1]

### About this document

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded in the Driver & Vehicle Standards Agency's (DVSA's) database of MOT Test results; this can be verified at [www.gov.uk/check-mot-status](http://www.gov.uk/check-mot-status).
  - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy throughout the validity period of the certificate.
  - 3 Check carefully that the details are correct.
  - 4 Whilst advisory items listed above do not constitute MOT failure items, they are drawn to your attention for advice.
  - 5 For further information about this document, please visit [www.gov.uk/getting-an-mot](http://www.gov.uk/getting-an-mot) or contact DVSA on 0300 123 9000\*.
- \*Your call may be monitored or recorded for lawful purposes.

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of the Local Government Act 1972.

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