

LICENSING SUB-COMMITTEE

Date: Monday 9 July 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

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

Membership -
Councillors Hannan, Holland and Newby

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 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part I of Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

4 Application to Grant a private hire vehicle licence over 4 years old

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

(Pages 3 -
14)

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

5 Application to Grant of a licence relating to a Hackney Carriage vehicle

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

(Pages 15
- 42)

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

Date of Hearing: 9th July 2018

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

Applicant: Mohammad S RAHMAN

1. What is the report about?

- 1.1 An application has been received from the Applicant, 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 the renewal date. This is a matter that cannot be dealt with under delegated powers.

2. Background

- 2.1 The vehicle that is being presented for licensing as a Private Hire Vehicle (PHV) is a 4 passenger Skoda Octavia with a registration date of 26 September 2013, this makes the vehicle over 4 years old. The vehicle has previously held a Hackney Carriage Vehicle licence with East Devon District Council and the applicant would like to licence the vehicle as a PHV with Exeter City Council as he has recently obtained a dual drivers licence with Exeter City Council.

3. Report details:

- 3.1 The vehicle is a Skoda Octavia registration FX63 MUU. The vehicle has a current MOT certificate dated 16 May 2018, the MOT was clear except for one advisory regarding the brake pads. The mileage recorded at the MOT was 101,020. The MOT is attached as Appendix A. In addition to the MOT certificate an independent mechanical inspection report has been submitted, this is dated 16 May 2018 and is attached as Appendix B. The Applicant presented the vehicle to the Licensing officer for inspection on 22 May 2018 and was considered to be in very good condition. Photos of the vehicle are attached as Appendix C.
- 3.2 The Licensing Sub-Committee must have regard to the Council's the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy').
- 3.3 The Policy states that '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'.

4. What are the legal aspects?

- 4.1 Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') states that a district council may on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied-

a) that the vehicle is-

- i) suitable in type, size and design for use as a private hire vehicle;
- ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- iii) in a suitable mechanical condition;
- iv) safe; and
- v) comfortable;

b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licence are granted by the council.

- 4.2 Under Section 48(4)(c) of the Act the Licensing Sub-Committee may grant a licence for a maximum period of 12 months.
- 4.3 Any person aggrieved by a refusal of the Licensing Sub-Committee to grant a vehicle licence under Section 48 of the Act may appeal to the Magistrates Court within 21 days of receiving written notice of the refusal.

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 will be announced.

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MOT test certificate



Driver & Vehicle
Standards
Agency

① Vehicle identification number

TMBBG7NE2E0021148

②a Registration number

FX63MUU

②b Country of registration

GB

Make and model

SKODA OCTAVIA

⑤ Vehicle category

M1

④ Mileage

101,020 miles

Mileage history

76,727 miles

30.05.2017

26,309 miles

09.06.2016

⑦ **Pass**

Monitor and repair if necessary (advisories)

- Brake pad(s) wearing thin Rear [3.5.1g]

③b Date of the test

16.05.2018

⑧ Expiry date

08.06.2019

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 09.05.2019.

③a Location of the test

V108653

UNIT 4, KESTREL WAY, SOWTON INDUSTRIAL ESTATE, EXETER, EX2 7JS

⑨ Testing organisation and inspector name

**SOWTON TYRES & MOT LTD
S. C. LEWIS**

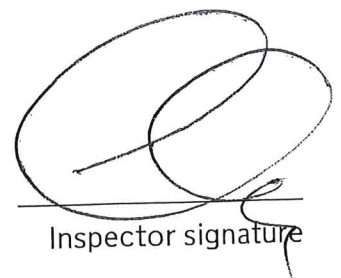
MOT test number

3794 7053 5472

Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at enquiries@dvs.gov.uk or by telephone on 0300 1239000.

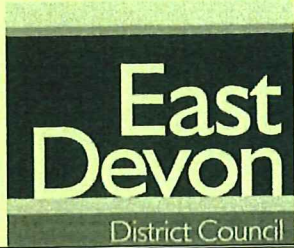
Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.



Inspector signature

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Tel: 01395 517411
 Fax: 01395 517507
 www.eastdevon.gov.uk



VEHICLE INSPECTION REPORT

HACKNEY CARRIAGES

Make SKODA	Model OCTAVIA	Reg.No. FX63MOU	Plate No.
Rec. Mileage 101020	Date 16/05/18	Petrol/Diesel	CC (Must be over 1300cc)

Testable item	Pass	Fail	Score	Testable item	Pass	Fail	Score	Testable item	Pass	Fail	Score
Rear view mirrors	/	/	1	O/S/R tyre wall/size/valve fit	/	/	43	O/S/F wheel condition	/	/	85
Driver's seat and back rest	/	/	2	O/S/R wheel security/condition	/	/	44	O/S/F wheel bearing condition	/	/	86
Note recorded miles of speedo				O/S fuel cap	/	/	45	O/S/F drive shaft/CV joint	/	/	87
Front passenger seat/back rest	/	/	3	O/S/R shock absorber	/	/	46	O/S/F suspension cond/security	/	/	88
Both doors/internal security	/	/	4	Rear tail gate/boot/door security	/	/	47	N/S/F tyre wall/fit/tread	/	/	89
Steering wheel/mechanism/condition	/	/	5	Rear floor/belt mtgs/shock abs.mtgs	/	/	48	N/S/F wheel condition	/	/	90
Power Steering (if fitted) ◆	/	/	6	Tail lights condition/operation	/	/	49	N/S/F wheel bearing condition	/	/	91
Servo operation (if fitted) ◆	/	/	7	Stop/fog lights condition/operation	/	/	50	N/S/F drive shaft/CV joint	/	/	92
Footbrake operation/condition	/	/	8	Indicators condition/operation rate	/	/	51	N/S/F suspension cond/security	/	/	93
ABS system warning light (if fitted)	/	/	9	Hazard warning operation/rate	/	/	52	Lock to lock checks (turn plates)	/	/	94
Handbrake operation/condition	/	/	10	Number plate lights and reflectors	/	/	53	Suspension check-Shake O/S wheel	/	/	95
Light switches/warning lights	/	/	11	Number plate condition/spacing	/	/	54	Suspension check-Shake N/S wheel	/	/	96
Screen wipers/washers operation	/	/	12	Hackney plate-exterior ☒	/	/	55	O/S/R tyre wall/fit/tread	/	/	97
Windscreen condition/vision	/	/	13	Exterior advertising ☒	/	/	56	O/S/R wheel condition	/	/	98
Horn control/operation	/	/	14	N/S/R s/absorber & body damage	/	/	57	O/S/R wheel bearing condition	/	/	99
Belt Requirements front/3 rear ☒	/	/	15	N/S fuel cap	/	/	58	O/S/R drive shaft/CV joint	/	/	100
Belt condition/operation/anchorage	/	/	16	N/S/R tyre wall/size/valve fit	/	/	59	O/S/R suspension cond/security	/	/	101
Interior Light	/	/	17	N/S/R wheel security/condition	/	/	60	N/S/R tyre wall/fit/tread	/	/	102
Door catches/door/window ☒	/	/	18	N/S/R door security/rear back rest	/	/	61	N/S/R wheel condition	/	/	103
Fire extinguisher ☒	/	/	19	N/S/R out-in sills/floor/belt mountngs	/	/	62	N/S/R wheel bearing condition	/	/	104
Excise licence – current	/	/	20	N/S/F door security/ext.mirror	/	/	63	N/S/R drive shaft/CV joint	/	/	105
Foot pedal rubbers	/	/	21	N/S/F out-in sills/floor/belt mountngs	/	/	64	N/S/R suspension cond/security	/	/	106
First Aid Kit ☒	/	/	22	N/S repeater lamp condition (if fitted)	/	/	65	O/S/F brake components cond/leak ◆■	/	/	107
Vehicle interior including boot ☒	/	/	23	N/S/F tyre wall/size/valve fit	/	/	66	Front chassis members/suspension	/	/	108
Hackney No. Interior badge ☒	/	/	24	Ball joint/wheel security/condition	/	/	67	N/S/F brake components cond/leak ◆■	/	/	109
Meter operation	/	/	25	N/S wiper blade cond/screen cond	/	/	68	Mid chassis members/suspension	/	/	110
Tariff card ☒	/	/	26	N/S/F shock absorber	/	/	69	O/S structure/pipes/cables/hoses ◆■	/	/	111
Vehicle exterior .inc.cleanliness ☒	/	/	27	Under bonnet brake system/mtgs.	/	/	70	O/S/R brake components con/leak ◆■	/	/	112
Roof Sign -	/	/	28	Pipes/hoses/masr cylinder/servo ◆	/	/	71	R/chassis members/susp/tank/carrier	/	/	113
Number plate condition/spacing	/	/	29	Handbrake mechanism	/	/	72	N/S/R brake components cond/leak ◆■	/	/	114
Side-H/lamp type/condition/operation	/	/	30	Suspension mounts/cond/corrosion	/	/	73	N/S structure/pipes/cables/hoses ◆■	/	/	115
Indicators condition/operation/rate	/	/	31	Battery security/VIN No.				Exhaust cond/leaks/prop shaft ◆	/	/	116
Hazard warning operation/rate	/	/	32	Fuel system leakage ◆	/	/	74	H/brake mechanism/linkage/cables ◆	/	/	117
Headlamp condition/aim (use equip)	/	/	33	Exhaust system leaks ◆	/	/	75	O/S/F footbrake perform. check ◆	/	/	118
O/S/F s/absorber & body damage	/	/	34	Servo vacuum hose (if fitted) ◆	/	/	76	N/S/F footbrake perform. check ◆	/	/	119
O/S/F tyre wall/size/valve fit	/	/	35	PAS pump drive pipes(if fitted) ◆	/	/	77	Both front brake balance check ◆	/	/	120
Ball joint/wheel security/condition	/	/	36	Diesel pump-pipes-cambelt-oil level	/	/	78	Handbrake O/S perform. check ◆	/	/	121
O/S wiper blade cond/screen cond	/	/	37	Steering components (rock str wheel)	/	/	79	Handbrake N/S perform. check ◆	/	/	122
O/S repeater lamp condition (if fitted)	/	/	38	Repeat & check from under vehicle	/	/	80	O/S/R footbrake perform. check ◆	/	/	123
O/S/F door security/ext. mirror	/	/	39	Str box rack condition/wear/mtgs	/	/	81	N/S/R footbrake perform. check ◆	/	/	124
O/S/F out-in sills/floor/belt mountings	/	/	40	Ball joints condition/wear/play	/	/	82	Both rear brakes comparison check ◆	/	/	125
O/S/R door security/rear back rest	/	/	41	Track rods-steer arm cond/security	/	/	83	Exhaust emission (last or first) ◆	/	/	126
O/S/R out-in sills/floor/belt mountings	/	/	42	O/S/F tyre wall/fit/tread	/	/	84				

◆ ENGINE RUNNING	■ FOOTBRAKE APPLIED	● JACKING BEAM IN USE	READINGS OBTAINED			
☒ BEFORE COMPLETION PLEASE READ NOTES OVERLEAF			CO% TEST 1	FRONT	NEAR SIDE 259 ✓	OFF SIDE 261 ✓
			HC TEST 1	REAR	NEAR SIDE 176 ✓	OFF SIDE 210 ✓
			CO% TEST 2	PARK	NEAR SIDE 140 ✓	OFF SIDE 141 ✓
			HC TEST 2			

THE EXAMINER SHOULD NOTE THAT THE VEHICLE MUST PASS TO M.O.T. STANDARD IN ADDITION TO THE OTHER ITEMS LISTED ON THIS INSPECTION REPORT

NOTES FOR GUIDANCE

- | | |
|--|--|
| <p>15 Saloon and hatchbacks must be fitted with 3 rear seatbelts. People carriers etc must have a belt for every seat.</p> <p>18 The vehicle should have 4 doors and boot or rear tailgate. All doors and windows should work correctly.</p> <p>19 The fire extinguisher should be readily available for use in emergency and of a suitable type.</p> <p>22 The First Aid Kit should contain suitable items for use by passengers.</p> <p>23 The body interior including the boot should be in a clean condition with the seats and floor properly covered and maintained fit for public service.</p> <p>24 The Hackney plate number must be displayed inside the vehicle (on tariff card)</p> | <p>25 A meter must be fitted and display the correct tariff 1, 2 and 3. A copy of the current tariffs is attached. It should be checked over a measured distance and time.</p> <p>26 A tariff sheet must be displayed and clearly visible to passengers.</p> <p>27 The body exterior should be free from damage and in a clean condition.</p> <p>28 A roof sign must be displayed.</p> <p>55 The Hackney plate must be fixed to the outside rear of the vehicle on, above or below the bumper and must not be defaced or illegible.</p> <p>56 Advertising is allowed on the front doors only. Maximum size must not exceed 70cm x 35cm.</p> |
|--|--|

NB As from 1 July 2007 'No Smoking' signs should be displayed to comply with The Health Act (2006).

Vehicle Examiner must complete details of meter fitted in vehicle

Make		Model		Serial No	
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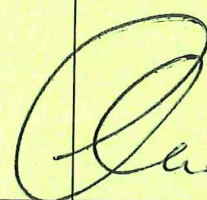
MOT EXPIRY DATE (Note: all Hackney Carriages over 12 months old must have a current MOT)	Certificate No.	Date of Issue
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**FOR OTHER ADVICE PLEASE TELEPHONE EAST DEVON DISTRICT COUNCIL LICENSING OFFICE
ON 01395 517411 OR 517410**

CERTIFICATE

I HEREBY CERTIFY that I am an authorised Department of Transport Tester/Inspector and I have carried out the various examinations of the vehicle schedule overleaf and found the vehicle to be safe, comfortable and in sound mechanical condition.

I have also checked the fare meter over the prescribed distances as shown in the table of fares.

Signed*: 	Date: 16/05/18
<small>*Authorised to sign Department of Transport Test Certificates</small>	
Name in BLOCK CAPITALS MR S C LEWIS	Vehicle Testing Station No: V108653
Name of Garage Sowton Mot s 01392 365511	AUTHENTICATION STAMP Sowton Mot s 01392 365511
Telephone No: 01392 365511	







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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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