

LICENSING SUB-COMMITTEE

Monday 30 July 2018

Present:

Councillors Owen, Sheldon and Holland

Also Present:

Solicitor, Senior Licensing Officer, Licensing Officer, Apprentice Solicitor and Democratic Services Officer

40

APPOINTMENT OF CHAIR

Councillor Owen was appointed as Chair for this meeting.

41

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

42

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

The Chair introduced the Licensing Sub-Committee and the Apprentice 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 the application to grant a Private Hire Vehicle licence in relation to a Vauxhall Zafira vehicle, which was over 4 years old at initial licensing, advising that the matter could not be dealt with under delegated powers. She explained that the vehicle registration date was 1 November 2013, making the vehicle over six years old, but the plate had not been renewed upon its expiry in February 2018, and was being treated as a new vehicle application for Exe Car Taxis.

The Council's policy stated that an application for a first Private Hire vehicle licence where the vehicle was more than 4 years old shall not be granted. However the applicant can apply to the Licensing Sub-Committee for determination if the applicant considers their particular circumstances justify a deviation from the policy.

The recorded mileage from the latest MOT on 5 July 2018, was 99,198 miles. The vehicle had also been inspected by an independent vehicle inspector and Licensing officer on 18 July 2018. There had been no advisories from the inspections and the vehicle was considered to be in very good condition.

The Applicant was in attendance and explained that the vehicle had not been in use as a taxi since February 2018, when he realised the vehicle licence had expired and was now using a temporary plate. The vehicle has not been renewed due to an oversight which wouldn't happen again.

RESOLVED that the application for the grant of a Private Hire Vehicle licence be approved for 12 Months.

43 **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 item 44 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

44 **HEARING TO DETERMINE AN APPLICANT FOR A HACKNEY CARRIAGE /
PRIVATE HIRE DRIVERS LICENCE IS FIT AND PROPER**

The Chair introduced the Licensing Sub Committee Members and Officers.

The Solicitor set out the procedure for the hearing and explained 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 stated that evidential burden is on the Applicant to prove on the balance of probabilities that they are a fit and proper person to hold a taxi drivers licence. Every case before the Licensing Sub-Committee is heard on its individual merits and the paramount concern is the safety of the travelling public.

The Senior Licensing Officer presented the report in respect of the Application.

The Applicant was in attendance and spoke on behalf of their fitness and proprietary and answered questions from the Licensing Sub-Committee and the Solicitor

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

LICENSING ACT 2003

45 **APPLICATION TO GRANT A NEW PREMISES LICENCE**

Decision set out in formal notice.

(The meeting commenced at 11.00 am and closed at 3.45 pm)

Chair