

LICENSING SUB-COMMITTEE

Friday 12 October 2018

Present:

Councillors Owen, D Henson and Holland

Also Present:

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

62

APPOINTMENT OF CHAIR

Councillor Holland was appointed as Chair for this meeting.

63

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

64

APPLICATION TO RENEW PRIVATE HIRE VEHICLE LICENCE OVER 9 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 the report stating that the vehicle was a Seat Alhambra, WJ58 PHO and had been registered on 12 September 2008. The renewal date was 9 September 2018, making the vehicle over 9 years old and that as of 16 August 2018 the mileage was 178,731. Copies of the V5 Registration document, insurance document and MOT certificate dated 29 August 2018 had been supplied to the Licensing Authority. He provided details of the vehicle inspection report and noted there required recommendations of work requiring completion.

The Principal Licensing Officer informed that vehicles presented for renewal between the ages of 9 and 10 years old would be referred to the licensing sub-Committee for determination. 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') stated that vehicles presented for renewal that were more than 10 years old, should not be granted, but the applicant would be given the right to apply for the application to be considered by the Licensing Sub-Committee if the applicant felt their circumstances justified a deviation from the existing Taxi Policy.

The driver was in attendance and spoke in support of the application. He explained that the vehicle would normally have been replaced this year, but his employer operated vehicles from Seat, who would be releasing a new SUV vehicle next year, following a delay. His vehicle would be replaced in March 2019. He notified Members that he made school runs twice a day during school term time, on behalf of Devon County Council for special needs children. He confirmed that all the faults raised in the inspection report had been resolved by Seat, who serviced the

vehicles.

RESOLVED that the application for the renewal of a Private Hire Vehicle licence for a vehicle which was over 9 years old be approved for 6 Months, subject to receipt by the Licensing Authority of a new vehicle inspection report detailing the completed work.

65

APPLICATION TO GRANT OF A PRIVATE HIRE VEHICLE LICENCE 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 the applicant to grant a Private Hire Vehicle licence in relation to a vehicle which was over 4 years old and advised that the matter could not be dealt with under delegated powers.

He explained that the vehicle was a Volkswagen Touran RV14 DCZ had been registered on 26 March 2014 making the vehicle over 4 years of age, with a mileage of 95,068 as of 26 September 2018. Copies of the vehicle inspection report, MOT dated 26 September 2018, V5 registration document and insurance documents had been received.

The Council's 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') stated that an application for a private hire vehicle licence which was more than 4 years old, should not be granted. However an applicant may apply to the Licensing Sub-Committee for determination if the applicant considered their particular circumstances would justify a deviation from the Taxi Policy.

The applicant was in attendance and spoke in support of the application. He explained that he was the owner vehicle, which was just over four years old, which was in excellent condition, well looked after and kept clean. He ensured the vehicle was serviced every 10,000 miles and he had two full services provided through his dealer. He was currently a licensed Hackney Carriage Driver in East Devon, doing school runs, but following the arrival of his family, who had recently moved to the UK, they had moved to Exeter, where he would like to be licensed.

The Solicitor explained that personal circumstances were not a valid reason to deviate from the Taxi Policy and only the evidence provided on the vehicle suitability could be taken for consideration. The Principal Licensing Officer stated that he had inspected the vehicle and confirmed that it was well maintained, clean and in good condition.

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

66

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.

**HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY
CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER
PERSON TO HOLD A THE LICENCE**

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 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 he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle. Every case before the Licensing Sub-Committee is heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the application, which had been submitted for the grant of a Hackney Carriage/Private Hire driver's licence on 25 April 2018. During the application process, a conviction for battery had been disclosed. The Applicant had provided a DBS certificate, a driving licence check and references to support their application.

The Applicant was in attendance and spoke on behalf of their fitness and propriety and answered questions from the Licensing Sub-Committee and the Solicitor. They were also accompanied by a representative to speak on their behalf and providing supplementary support information

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.

(The meeting commenced at 10.00 am and closed at 11.40 am)

Chair