

LICENSING SUB-COMMITTEE

Date: Friday 12 October 2018
Time: 10.00 am
Venue: 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 Owen, Henson, D and Holland

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 item 6 on the grounds that it 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 9 years old**
To consider the report of the Environmental Health and Licensing Manager. (Pages 3 - 4)

5 **Application to GRANT of a Private Hire vehicle Licence over 4 years old**
To consider the report of the Environmental Health and Licensing Manager. (Pages 5 - 6)

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

6 **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**
To consider the report of the Environmental Health and Licensing Manager. (Pages 7 - 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

Date of Hearing: 12.10.2018

Report of: Environmental Health and Licensing Manager.

Type of Application: RENEWAL of a licence relating to a Private Hire vehicle over 9 years old.

Legislation: Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847

Applicant: Dartline Coaches (P370) Previously P045

1. What is the report about?

- 1.1 An application has been received from the Applicant, seeking permission for the renewal of a private hire vehicle licence for a car which is over 9 years of age.

2. Background

- 2.1 This is a matter that cannot be dealt with under delegated powers.

3. Report details:

- 3.1 The vehicle is a Seat Alhambra WJ58 PHO was registered on 12.9.2008 and at renewal on 9.9.2018 was just over 9 years of age. The mileage is 178,731 as of 16.8.2018 as per VIR. Attached at Appendix 1 is the application form, Appendix 2 holds the V5 Registration document, Appendix 3 MOT certificate dated 29.8.2018, Appendix 4 Insurance document, Appendix 5 Vehicle Inspection Report and finally attached at Appendix 6 are photos of the vehicle.
- 3.2 The Licensing Sub-Committee must have regard to the Council's Taxi Policy.
- 3.3 Vehicles presented for renewal that are between 9 and 10 years old will be referred to the licensing sub-committee for determination. Such applications should be submitted at least 4 weeks prior to the expiry date on the licence, as it may take several weeks to convene a Licensing Sub-Committee. Applicants will be advised to provide a comprehensive report into the mechanical fitness of the vehicle as outlined above.
- 3.4 Vehicles presented for renewal that are more 10 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

REPORT TO LICENSING (SUB) COMMITTEE

Date of Hearing: 12.10.2018

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: Shahin Mahmood

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 car which is over 4 years old.

2. Background

- 2.1 This is a matter that cannot be dealt with under delegated powers and to grant a licence for a vehicle over 4 years old is a departure from 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').

3. Report details:

- 3.1 The vehicle is a Volkswagen Touran **RV14 DCZ** and was registered on 26.3.2014 therefore is over 4 years of age. The mileage was 95,068 as of 26.9.2018 as set out in the Vehicle Inspection Report attached at Appendix 5 Also attached is the application form at Appendix 1, the V5 Registration document at Appendix 2, the MOT certificate dated 26.9.2018 at Appendix 3 and at Appendix 4 the Insurance document and Appendix. Photographs of the vehicle are attached at Appendix 6.
- 3.2 The Licensing Sub-Committee must have regard to 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').
- 3.3 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

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

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