

LICENSING SUB-COMMITTEE

Friday 7 December 2018

Present:

Councillors Owen, Holland and Newby

Also Present

Councillor Pattison to observe

Also Present:

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

68

APPOINTMENT OF CHAIR

Councillor Holland was appointed as Chair for items 4, 5 and 6 of the meeting.
Councillor Owen was appointed as Chair for item 7 of the meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

70

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

The Chair introduced the Licensing Sub-Committee. The Applicant was asked if Cllr Pattison could observe the hearing and the Applicant agreed. 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 Senior Licensing Officer presented an application from Mr AR to grant a Private Hire Vehicle in relation to a vehicle which was over seven 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 30 June 2011 making the vehicle between 7 years and 8 months old.

The Council's policy stated that an application for a first Private Hire vehicle licence where the vehicle in question is more than four years old shall not be granted. However the applicant could apply to the Licensing Sub-Committee for determination if the applicant considered that their particular circumstances justified a deviation from the policy not to grant licenses for vehicles over four years of age.

The vehicle was a Mercedes Benz 204, registration MW11 JSV, and at the last MOT on 19 September 2018, the recorded mileage was 42,424 miles. The MOT certificate contained four advisories on the tyres that had worn close to the legal limit on both offside and nearside. The vehicle had also been inspected by an independent vehicle inspector on 9 November 2018 and had been considered to be in very good condition.

Mr AR was in attendance and spoke in support of the application. He explained that he worked with 'l taxi's', using a rented vehicle, which had some issues and had since been sold. The replacement vehicles, the Mercedes Benz 204 was in good condition, with low mileage, which customers had expressed satisfaction with and was comfortable for the driver and passengers. He explained that there were also built in safety features to make the vehicle safe to drive. The vehicle was not wheel chair accessible. The tyres had advisories, which he considered to be ok, but agreed he would replace them all and align the tracking

The Applicant explained that journeys would be made between Queen Street in Exeter to either Rockbeare or Cranbrook, and wouldn't make journeys that were further than 30 minutes away. The insurance had been provided from the broker, which for the first year, had provided a cover note. It was due to be passed to the insurance company to provide full cover.

RESOLVED that the application for the grant of a Private Hire / Hackney Carriage Vehicle licence be approved for 12 Months, with added conditions, that:-

- Four new tyres be installed and fix the tracking out on the vehicle;
- A full insurance certificate be provided;
- Both these conditions be evidenced to the Licensing Authority.

The Applicant was advised that the Council's Taxi Policy stated that 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.

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

The Chair recommended and was seconded by Councillor Newby, that

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.

72 **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 was asked if Cllr Pattison could observe the hearing and the Applicant agreed.

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 was on the applicant to prove fitness and

proprietary on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Senior Licensing Officer presented the report and gave evidence in respect of the application, which had been submitted for the Hackney Carriage/Private Hire driver's licence on 15 October 2018. During the application process, two convictions had been disclosed.

The Applicant was in attendance and spoke on behalf of their fitness and proprietary, answering questions from the Licensing Sub Committee and 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.

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The Senior Licensing Officer presented the report and gave evidence in respect of the application.

The Applicant was in attendance and spoke on behalf of their fitness and proprietary, answering questions from the Licensing Sub Committee and 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, subject to references provided to the Chair and Licensing Authority.

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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 was on the applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was 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.

The Applicant was in attendance and spoke on behalf of their fitness and propriety, answering questions from the Licensing Sub Committee and 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.

The Applicant was advised that the conditions of the licence must be read and adhered to and any issues relating to future conduct would where appropriate be referred back to a Licensing Sub-Committee.

(The meeting commenced at 10.00 am and closed at 12.20 pm)

Chair