

LICENSING SUB-COMMITTEE

Friday 15 March 2019

Present:

Councillors Sheldon, Holland and Pattison

Also Present:

Solicitor, Principal Licensing Officer and Democratic Services Officer (MD)

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APPOINTMENT OF CHAIR

Councillor Sheldon was appointed as Chair for this 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

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APPLICATION TO GRANT LICENCE RELATING TO A HACKNEY CARRIAGE VEHICLE.

The Chair introduced the Licensing Sub-Committee and the Solicitor set out the procedure for the hearing advising of the requirements under the Town Police Clauses Act 1847 and Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented the report stating that the licensed taxi driver was seeking to replace their existing Peugeot Euro 5, side loading wheelchair accessible vehicle with a Toyota Prius ultra-low emission vehicle (ULEV).

The Applicant had recently been granted a notice of exemption from undertaking mobility assistance to passengers in wheelchairs (Section 166 Equality Act 2010). The Applicant had ongoing problems with their wrist and hand due to a previous injury and had attended an appointment with the Occupational Health Department on 10th December 2018. A subsequent independent report had also confirmed that the Applicant should be exempt from undertaking wheelchair work on account of the reduced grip strength in his hand. The Applicant had submitted a copy of the Occupational Health letter to the Licensing Sub-Committee.

The Principal Licensing Officer commented that the current vehicle was first registered in December 2016, making the vehicle two years and three months old. A replacement vehicle had not been purchased, but required documentation would be presented to the Licensing Authority after purchase. The driver was the only driver of the vehicle.

The Principle Licensing Officer advised Members of 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') and the condition requirements.

The Applicant was in attendance and spoke in support of the application. He explained that he had been advised by his Doctor to change his vehicle following the strain put on his wrist and hand. He confirmed that the damage was only to his left hand and that he would be able to use his right hand to carry a maximum of 10 kg of passenger luggage, if required. The Applicant confirmed that the injury had caused difficulties with customers expecting a service for wheelchairs which he is unable to provide.

He further stated that a change of vehicle would be good for both the environment and with Exeter City Councils policy to move to more environmentally friendly vehicles by 2020. He had a buyer for his current vehicle, who was confirmed to live outside of the city. He informed Members, that he was the sole vehicle driver, and used the vehicle to driver his family, which prevented other drivers from also using it. He stated the importance that he keep working to support his family and that he worked mainly during daytime hours with occasional Friday and Saturday evenings.

RESOLVED that the application for the vehicle replacement be approved in principle and delegation be made to the to the Principal Licensing Officer to grant the Vehicle Licence in compliance with the Council's Practises and Procedures for the Control of Hackney Carriage and Private Hire Vehicles Drivers and Operators upon receipt by the Licensing Authority of full vehicle details and a comprehensive mechanical inspection report.

The reasons for the decision were that the circumstances of the Applicant in this particular case were considered to be exceptional.

13 **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 item 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.

14 **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 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 attended to make submissions to support the Application and answer questions from the Licensing Sub-Committee.

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.

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 not excluded during consideration of the following item on this agenda.

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APPLICATION TO RENEW PRIVATE HIRE VEHICLE LICENCE OVER 10 YEARS OLD

The driver was not in attendance to speak in support of the application.

RESOLVED that the application for the grant of a Private Hire Vehicle licence be refused, as the Vehicle was over 10 years old and no evidence was presented to justify a deviation from the Council's Taxi Policy to not grant Licences to Private Hire Vehicles over 10 years old.

(The meeting commenced at 10.00 am and closed at 11.25 am)

Chair