

LICENSING SUB-COMMITTEE

Date: Monday 29 July 2019
Time: 9.30 am
Venue: Bad Homburg Room, Civic Centre, Paris Street, Exeter

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 Buswell, Henson, D and Newby

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 items 4 and 5 on the grounds that they involve 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

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

- 4 **Hearing to Determine Whether a Holder of 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 3 - 72)
- 5 **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 73 - 86)

Part I: Item suggested for discussion with the press and public included

- 6 **Application for the Grant of a licence relating to a Private Hire vehicle over 9 years old.**
To consider the report of the Environmental Health and Licensing Manager. (Pages 87 - 104)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

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

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REPORT TO LICENSING (SUB) COMMITTEE

Date of Hearing: 29th July 2019

Report of: Environmental Health and Licensing Manager.

Type of Application: GRANT 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: [REDACTED]

1. What is the report about?

1.1 An application has been received from the Applicant on 25 June 2019 (Appendix A), a licensed taxi driver seeking permission for the grant of a private hire vehicle licence for a vehicle which is over 9 years old at the renewal date. This is a matter that cannot be dealt with under delegated powers.

2. Background

2.1 The vehicle that is being presented for licensing as a Private Hire Vehicle (PHV) is a 4 passenger Toyota Avensis with a registration date of 23 February 2010, this makes the vehicle over 9 years old. The vehicle has held a Private Hire Vehicle licence with Exeter city Council and was first licensed with the authority on 26 April 2013.

3. Report details:

3.1 The vehicle is a Toyota Avensis registration LP59BZN. The vehicle has a current MOT certificate dated 25 March 2019. The mileage recorded at the MOT was 254,980. The MOT is attached as Appendix B. In addition to the certificate an independent mechanical inspection report has been submitted, this is dated 24 June 2019 and is attached as Appendix C. The applicant presented the vehicle to the Licensing officer for inspection on 22 May 2018 and was considered to be in very good condition. Photos of the vehicle are attached as Appendix D.

3.2 The Licensing Sub-Committee must have regard to 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')

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
01392 265275

N.B THIS IS NOT PART OF THE REPORT

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE / DRIVERS LICENCES

You are invited to appear before the Licensing Sub-Committee to speak in support of your application. A legal or other adviser may accompany you but may not appear instead of you.

Your Application

Depending on the circumstances, your application may be heard in part two of the Committee meeting procedures from which members of the public and press are excluded. You will be notified in advance if your application will be a part two matter, if you have not been advised of this, the hearing will be in the Public domain.

You or your adviser would be expected to respond to an officer's verbal introduction outlining the above report. You or your adviser may be asked questions and may be invited to ask questions if appropriate.

At the end of the hearing you will be asked to withdraw and the Committee will reach a decision. On conclusion of the decision making process you will then be recalled and the decision will be announced.

APPENDIX A

OFFICE USE ONLY

Fee paid 275 Date 25/6/19 Receipt No 119778

Magnets Required? YES / NO

Payment Type: Cash / Cheque / Debit Card / Credit Card

INSPECTION OF:

- | | | |
|-----|---------------------------------|--|
| | | Satisfactory? |
| (1) | Fire Extinguisher/First Aid Kit | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (2) | Advertising Signs | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (3) | Plate Fixing | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (4) | Bus Lane stickers | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (5) | Wheelchair ramp / anchors | <input checked="" type="radio"/> YES / <input type="radio"/> NO / Not applicable |

COMMITTEE CHECKS:

- | | | |
|-----|-------------|---|
| | | Satisfactory? |
| (1) | Seatbelts | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (2) | Bodywork | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (3) | Cleanliness | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (4) | Seats | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (5) | Lights | <input checked="" type="radio"/> YES / <input type="radio"/> NO |
| (6) | Tyres | <input checked="" type="radio"/> YES / <input type="radio"/> NO |

Officer Comments:

.....
.....

Licence to be issued : YES / NO (If no, please indicate below the reasons why)

Signed [Signature] Date 25/6/19
Licensing Officer

Notes
.....
.....

APPENDIX B

MOT test certificate



Driver & Vehicle
Standards
Agency

① Vehicle identification number

SB1ED76L00E031471

②a Registration number ②b Country of registration

LP59BZN

GB

Make and model

TOYOTA AVENSIS

⑤ Vehicle category

M1

④ Mileage

254,980 miles

Mileage history

224,982 miles 13.04.2018

193,904 miles 21.03.2017

164,889 miles 04.04.2016

⑦ **Pass**

③b Date of the test

25.03.2019

③ Expiry date

17.04.2020

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 18.03.2020.

③a Location of the test

UNIT 6, CITY INDUSTRIAL ESTATE, HAVEN ROAD, EXETER, EX2 8DD

⑨ Testing organisation and inspector name

**1744BH FIRST CALL MOT CENTRE
P. FONE**

MOT test number

8890 4025 4532

Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at enquiries@dvsa.gov.uk or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.

Issuer signature

APPENDIX C

Vehicle Inspection Report

Name: DANIEL VIN: SB1ED96L00E03147 Mileage: 263138

Make: TOYOTA Model: AVENSIS Year: 2010



Lights

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> High Beams | <input checked="" type="checkbox"/> Brake Lights | <input checked="" type="checkbox"/> Fog Lights |
| <input checked="" type="checkbox"/> Low Beam | <input checked="" type="checkbox"/> Turn Signals | <input checked="" type="checkbox"/> Inst. Panel Lights |
| <input type="checkbox"/> Daytime Lights | <input type="checkbox"/> Backup Lights | <input checked="" type="checkbox"/> Interior Lights |
| <input checked="" type="checkbox"/> Parking Lights | <input checked="" type="checkbox"/> Hazard Lights | <input checked="" type="checkbox"/> Sidemarker Lights |

Glasses & Mirrors

- | | | |
|--|--|--|
| <input type="checkbox"/> Windshield | <input checked="" type="checkbox"/> Front Side Windows | <input checked="" type="checkbox"/> Rearview Mirrors |
| <input checked="" type="checkbox"/> Back Glass | <input checked="" type="checkbox"/> Rear Side Windows | <input checked="" type="checkbox"/> Side Mirror |

Accessories

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Battery | <input checked="" type="checkbox"/> Heating System | <input checked="" type="checkbox"/> Wipers |
| <input checked="" type="checkbox"/> Horn | <input checked="" type="checkbox"/> Rear Defrost | <input checked="" type="checkbox"/> Speedometer |
| <input checked="" type="checkbox"/> Seatbelts | <input checked="" type="checkbox"/> A/C System | <input checked="" type="checkbox"/> Odometer |

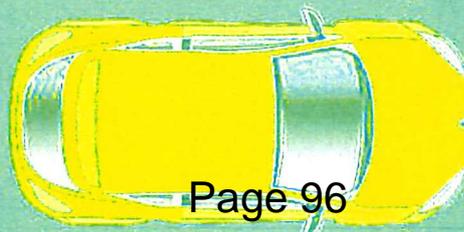
Body/Frame

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fenders | <input checked="" type="checkbox"/> Bumpers | <input checked="" type="checkbox"/> Floor |
| <input checked="" type="checkbox"/> Doors | <input checked="" type="checkbox"/> Rocker Panels | <input checked="" type="checkbox"/> Engine Mounts |
| <input checked="" type="checkbox"/> Hood | <input checked="" type="checkbox"/> Frame Rails | <input checked="" type="checkbox"/> Trans. Mounts |

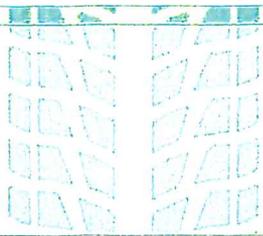
Brakes

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Brake Lines | <input checked="" type="checkbox"/> Front Pads | <input checked="" type="checkbox"/> Brake Cylinders |
| <input checked="" type="checkbox"/> Brake Hoses | <input checked="" type="checkbox"/> Front Disc | <input checked="" type="checkbox"/> Brake Booster |
| <input checked="" type="checkbox"/> Brake Cables | <input checked="" type="checkbox"/> Rear Pads/Shoes | <input checked="" type="checkbox"/> Parking Brake |
| <input checked="" type="checkbox"/> Master Cylinder | <input checked="" type="checkbox"/> Rear Disc/Drums | <input checked="" type="checkbox"/> Brake Fluid Leak |

- Tire: ~~4 MM~~ 4 MM
- Pads: 7 MM
- Disc: OK
- Tire: 3 MM /32
- Pads: 3 MM
- Disc: OK



- Tire: NEW /32
- Pads: 3 MM
- Disc: OK
- Tire: NEW /32
- Pads: 3 MM
- Disc: OK



Suspension

- Upper Strut Mounts
- Coil Springs
- Strut Assemblies

- Strut Dust Boots
- Ball Joints
- Lower Control Arms

- Upper Control Arms
- Sway Bar Bushings
- Sway Bar Links

Steering

- Steering Column
- Rack & Pinion

- Inner Tie Rods
- Tie Rod Ends

- Power Steering
- Wheel Bearings

Wheels

- Wheel Nuts
- Wheels

- Tires
- Tire Pressure

- Spare Wheel
- Valve stems

Road Test

- Engine Performance
- Trans. Performance

- Brake System
- Steering System

- Suspension System
- Wheel Alignment

Comments

REAR BUMPER SMALL CRACK
 OB WIND/DOOR SCRATCHES.
 FRONT BUMPER DAMAGED



Exeter City Council
This is a recharging area, not a parking bay. Non-electric vehicles using this bay are liable to a Penalty Charge Notice of £70.00.

KIA

Exeter Electric Vehicle
Park & Plug

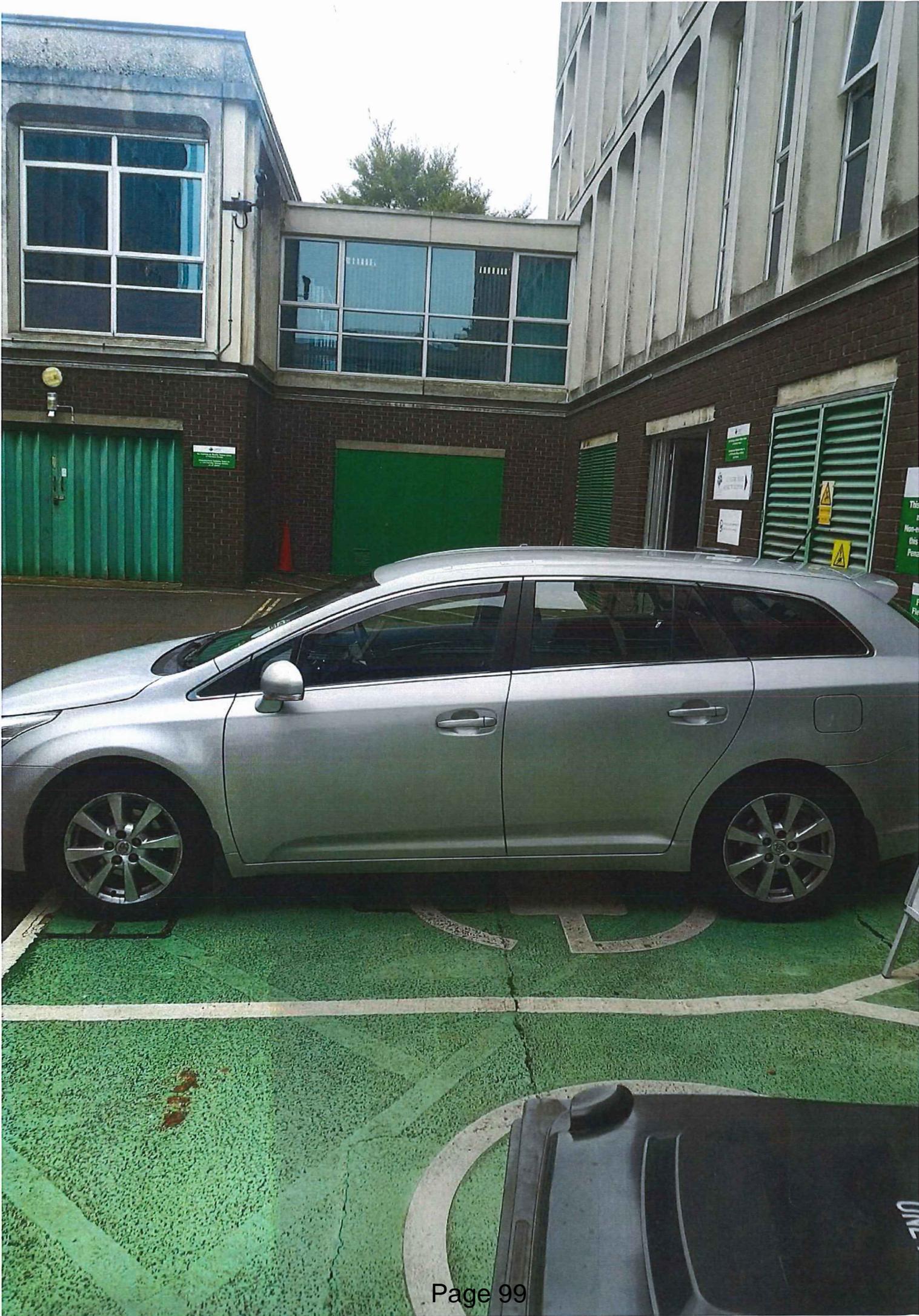
www.exeterkia.co.uk 1392 477377

Exeter City Council
This is a recharging area, not a parking bay. Non-electric vehicles using this bay are liable to a Penalty Charge Notice of £70.00.

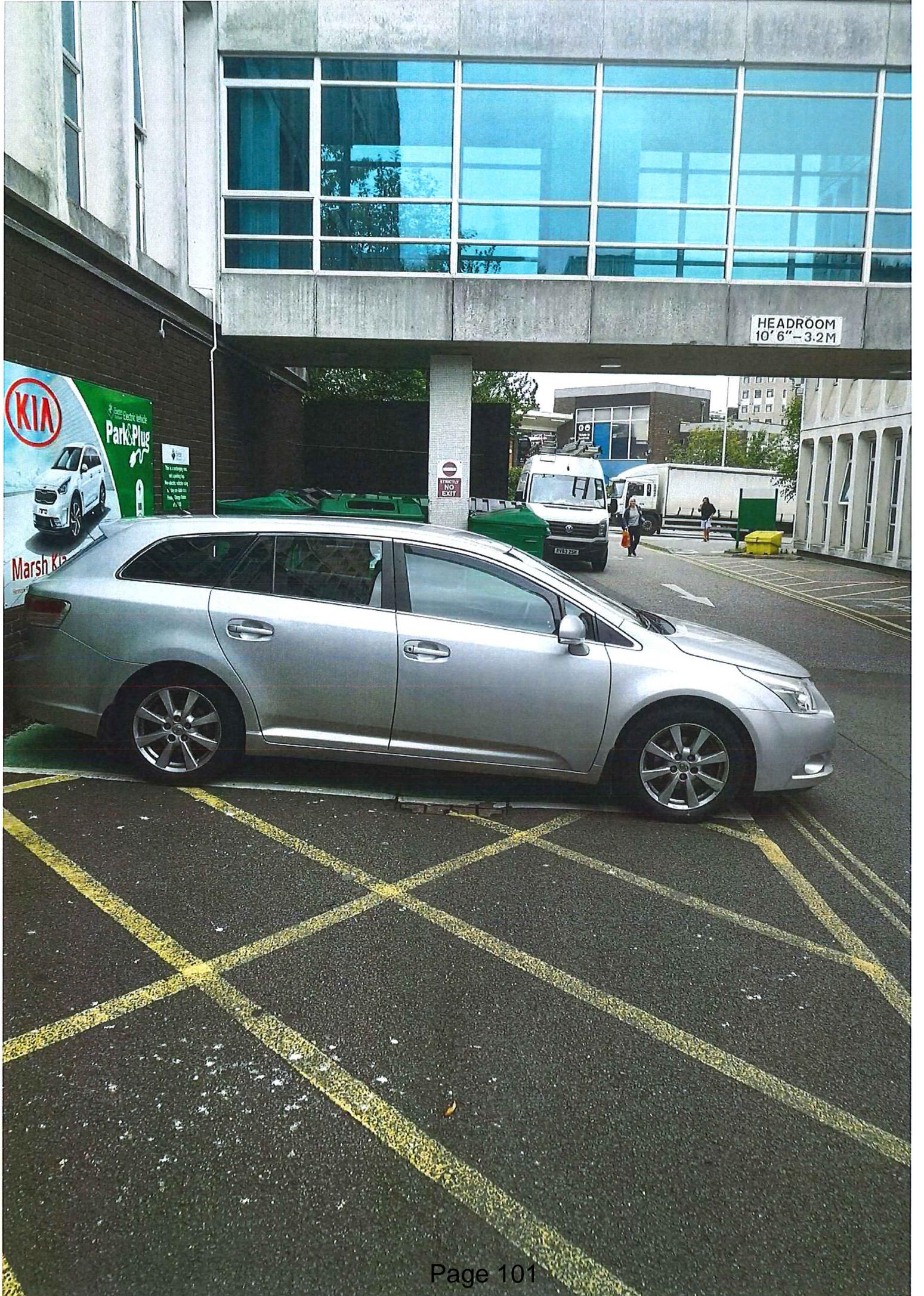
For Council Fleet Vehicles Only

Reserved Parking
RESERVED FOR
ELECTRIC VEHICLES

CA
C



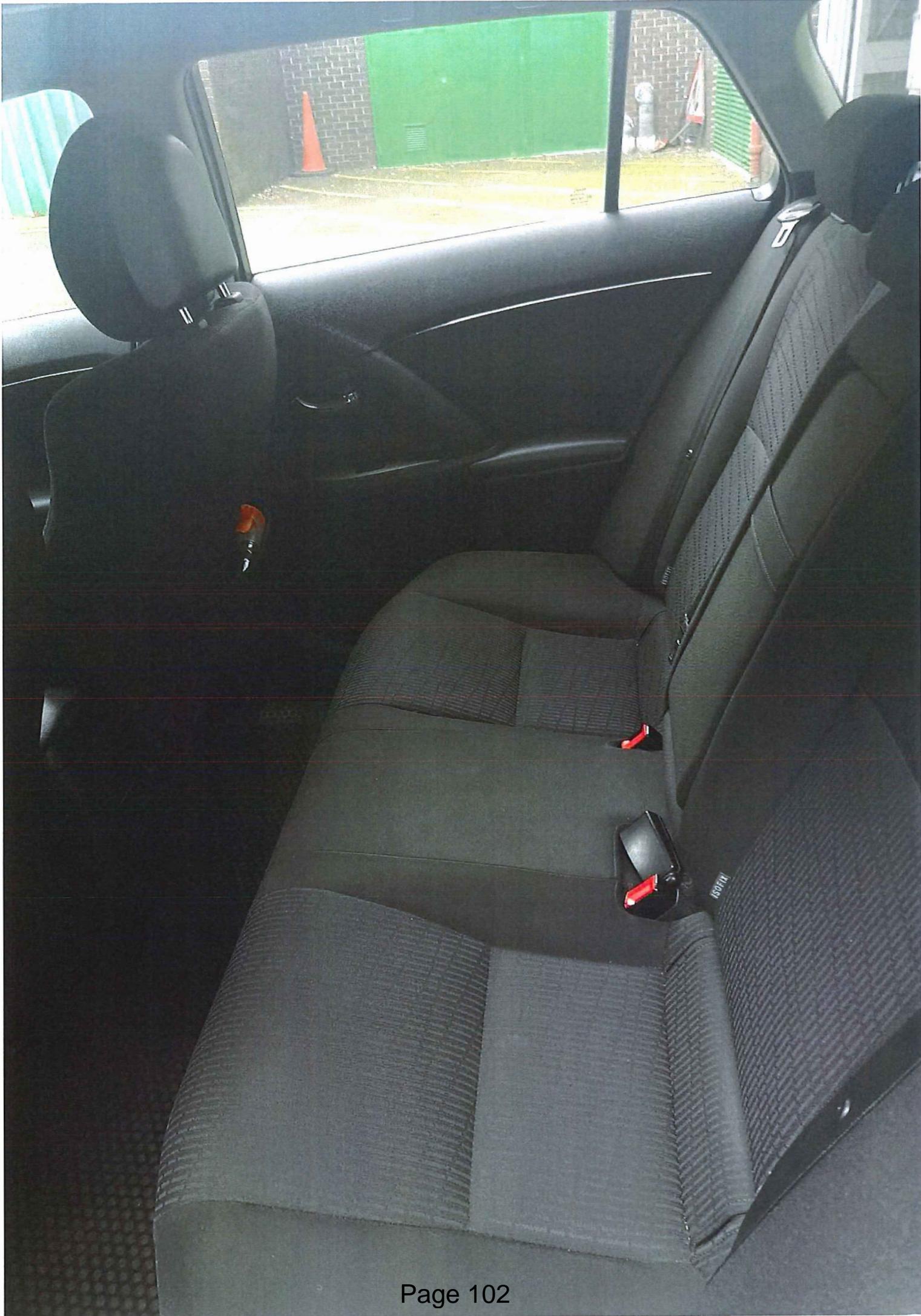


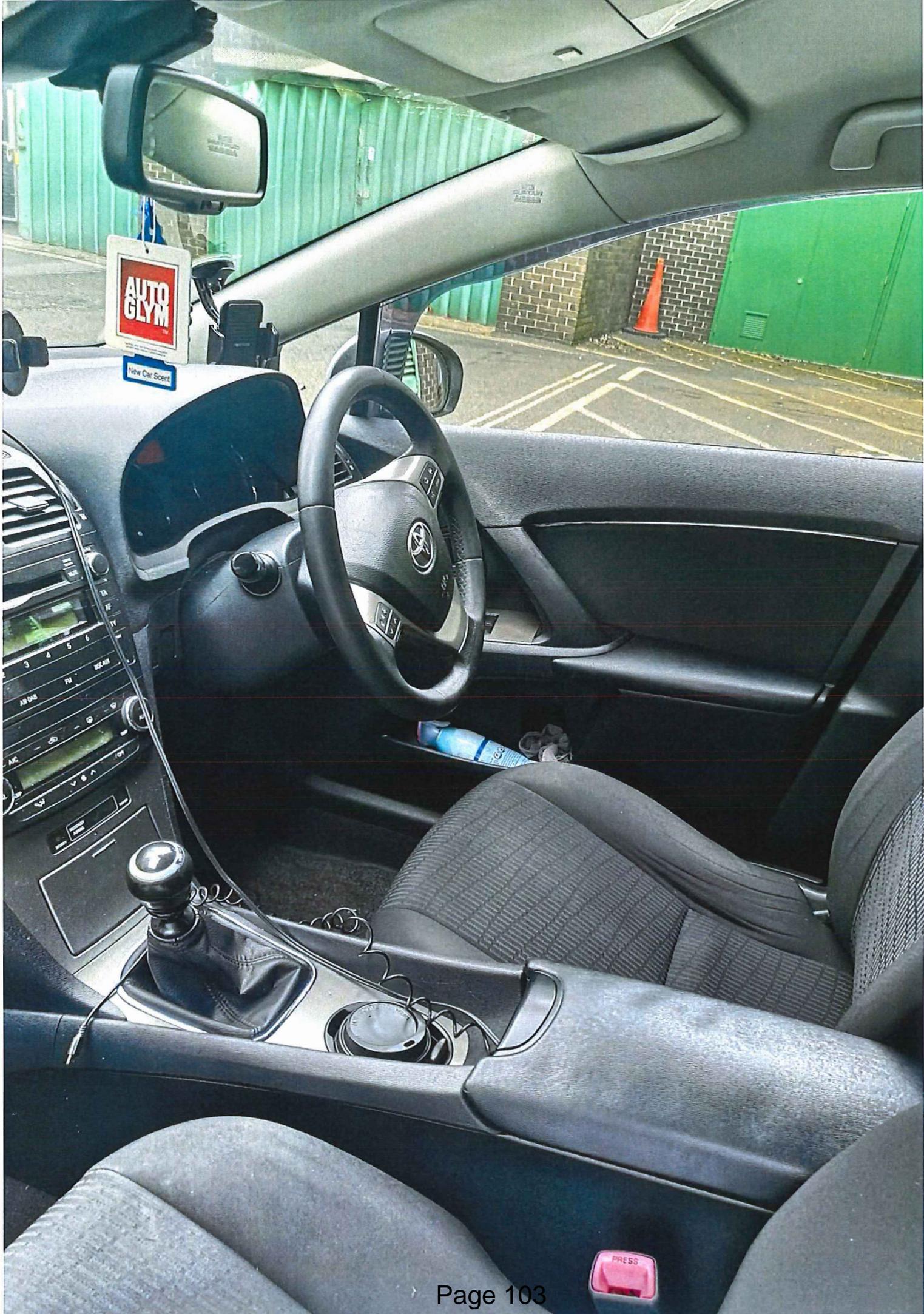


HEADROOM
10' 6" - 3.2M

KIA
Electric Vehicle
Park & Plug
Marsh Kia

STRICTLY
NO
EXIT





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