

LICENSING SUB-COMMITTEE

Friday 4 October 2019

Present:

Councillors Begley, Wood and Wright

Also Present:

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

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APPOINTMENT OF CHAIR

Councillor Wright 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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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.

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APPLICATION FOR THE GRANT OF A REPLACEMENT OF A HACKNEY CARRIAGE VEHICLE

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 to replace a Hackney Carriage Vehicle which was not in accordance with 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 that it was a matter that could not be dealt with under delegated powers.

The Applicant proposed to replace their existing Euro 5 saloon vehicle (H034 Dacia Logan), with a Euro 6 Peugeot Partner rear loading wheelchair accessible vehicle, which could seat four passengers and had provided full details of the proposed replacement vehicle, with a letter in support of the application. The vehicle was first registered in March 2019 and had a delivery mileage of 620 miles and copies of the MOT vehicle inspection reports would be submitted if approved.

The Council's policy stated that all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), would be required to comply with the following condition(s):-

- No vehicle shall be licensed as a Hackney Carriage vehicle unless it is wheelchair accessible and is of a design that will provide wheelchair access to the Hackney Carriage via a side door; or
- A Road Tax Band A (CO2 emission standard) ultra-low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less, or ZEV vehicle (zero emissions i.e. all electric vehicle) will not be required to be wheelchair accessible.

The Taxi Policy also stated that the Council would prioritise applications for side loading wheelchair accessible vehicles with the aim of maintaining the proportion of rear and side loading wheelchair accessible Hackney Carriages at 50% each respectively.

The Applicant was in attendance and spoke in support of the application. He explained that he undertaken customer wheel chair work for over 20 years and operated a fleet of eight vehicles. The Applicant had operated side loading wheel chair accessible vehicles previously, but there were difficulties with loading some customers and rear loading in the Applicant's opinion was preferential. The Applicant confirmed that he was also contracted with Devon County Council, and their policy preferred the use of forward facing, rear loading wheel chair accessible vehicles. The Applicants company worked across Devon, rather than just within Exeter and the change of vehicle would support his business.

In response to questions from the Members, the Solicitor and the Principal Licensing Officer, the Applicant explained:-

- His company carried out 40 jobs a day, averaging about 200 jobs a week. They provided transport for wheelchair users from care homes to doctor appointments and day trips, operating across Devon;
- He had received a verbal confirmation from Devon County Council about their policy for forward facing, rear loading vehicles, which was considered to be better for safe reasons. Information on the policy was available through the Devon County Council internet Procurement pages;
- The current plate was not for a wheel accessible vehicle, however the proposed new vehicle would be;
- The decision to licence the vehicle solely as a Hackney Carriage licence, for the reasons of ensuring collections could be achieved from taxi rank pickups and a Private Hire licence would be counterproductive to the company;
- The loading of wheelchair users took only a few minutes, and undertaken from suitable spots. Drivers had hi-visibility jackets and to safeguard access in certain spots. Rear loading was easier and more accessible.

RESOLVED that the application for the grant of a Hackney Carriage Vehicle licence be approved in principle with powers delegated to the Principal Licensing Officer to effect the replacement subject to the additional requirements of the Taxi Policy.

APPLICATION FOR THE RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE 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 an application to renew a Private Hire Vehicle licence for a vehicle which was over nine years old at the time of renewal and confirmed that the matter could not be dealt with under delegated powers.

The Council's policy stated Vehicles presented for renewal that are between 9 and 10 years old would be referred to the Licensing Sub-Committee for determination. Applicants would be advised to provide a comprehensive report into the mechanical fitness of the vehicle as outlined above. Vehicles presented for renewal that are more than 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.

The vehicle was a six passenger Ford Galaxy, with a recorded mileage from the latest MOT on 2 September 2019 as 146,755 miles. The MOT certificate and an independent vehicle inspection certificate had been provided from the Applicant. The vehicle had also been presented to the Licensing Authority for inspection on 5 September 2019 and was considered to be in a very good condition.

The Applicant was in attendance and spoke in support of the application. He explained that the vehicle was well looked after, clean and received positive feedback on its conditions from customers. The vehicle was serviced every 10,000 miles, with low mileage, meaning it could still be used for another year. The vehicle has been paid off and allowed him extra time to save for a deposit for a new vehicle to meet the Taxi Policy.

In response to questions from the Members, the Solicitor and the Principal Licensing Officer, the Applicant explained:-

- The extra year extension would allow appropriate time to save for a replacement vehicle;
- All the MOT advisories had been completed;
- The vehicle was in good condition and safe for customer use;
- The vehicle was mainly used to school pickups between Exeter and Newton Abbot.

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

(The meeting commenced at 10.00 am and closed at 11.06 am)

Chair