

LICENSING SUB-COMMITTEE

Monday 10 February 2020

Present:

Councillors Owen, Buswell and Oliver

Also Present:

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

11

APPOINTMENT OF CHAIR

Councillor Buswell was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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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.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

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RENEWAL OF A LICENCE FOR A PRIVATE HIRE VEHICLE LICENCE 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 vehicle was a Toyota Avensis, WG10 WVA, which was first registered on 13 July 2010 making the vehicle 9 years and 6 months old. As of 2 December 2019, the vehicle had 196,234 miles recorded. Copies of the V5 Registration document, vehicle inspection document and MOT certificate dated 2 December 2019 had been supplied to the Licensing Authority.

Vehicles presented for renewal between the ages of 9 and 10 years old would be referred to the licensing sub-Committee for determination. 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') stated that vehicles presented for renewal that were more than 10 years old, should not be granted, but the applicant would be given the right to apply for the application to be considered by the Licensing Sub-Committee if the applicant felt their circumstances justified a deviation from the existing Taxi Policy.

The driver was in attendance and spoke in support of the application. He explained that the vehicle was nearly ten years old and that he had applied for the final year of the licence. He confirmed that the vehicle was in excellent condition, was

regularly serviced and that any work recommended from the garage was resolved immediately.

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

- That the vehicle was serviced every 10,000 miles and all work was undertaken by Exeter Motor Works, with all advice from the mechanics being adhered to;
- All work shown as recommended in the report had been completed since the application was submitted;
- The vehicle would be used until December 2020, where a replacement vehicle would be purchased;
- The vehicle was considered to be safe and reliable, and maintained to the best it could be for its age and had owned the vehicle 18 months.

RESOLVED that the application for the grant of a Private Hire Vehicle licence be approved for 12 Months, subject to the Applicant providing the Licensing Authority with proof that required work had been completed listed in the report had been completed.

15 **RENEWAL OF A LICENCE FOR A PRIVATE HIRE VEHICLE LICENCE OVER 9 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 deferred to a future Licensing Sub Committee hearing.

16 **RENEWAL OF A LICENCE FOR A PRIVATE HIRE VEHICLE LICENCE 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 vehicle was a Volkswagen Caddy, NK10 CYV, which was first registered on 12 April 2010 making the vehicle 9 years and 10 months old. As of 16 January 2019, the vehicle had a mileage of 195,232 miles. Copies of the V5 Registration document, vehicle inspection document and MOT certificate dated 16 January 2019 had been supplied to the Licensing Authority.

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The driver was in attendance and spoke in support of the application. He explained that the vehicle was well maintained and serviced, with a low mileage.

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

- That if granted the licence, he would drive the vehicle for another 12 months and then replace the vehicle;
- He would be travelling to and from East Devon daily for taxi work and the vehicle would also be used for general family use. The longest journeys that may be taken would be the occasional airport runs to London or Manchester;
- The vehicle would be serviced every 10,000 miles, and would never go beyond 15,000 miles at any time before a service;
- The brake pad work listed in the report were picked up during its service and inspection. The mechanic had stated that they didn't require replacing but when the brakes pads were low, it would be notable;
- Exeter Motor Works had performed the MOT and inspection and all advice provided from them was adhered to;
- The vehicle would not be replaced with a rear loading wheelchair accessible vehicle because of the low number of wheelchair pickups made over the past two years.

The Principal Licensing Officer explained that Exeter Motor Works did have an in-house MOT inspector and hired an external inspector.

RESOLVED that the application for the grant of a Private Hire Vehicle licence be approved for 12 Months, subject to the Applicant providing the Licensing Authority with proof that required work had been completed listed in the report had been completed.

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APPLICATION FOR THE 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 statutory requirements under the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented an application which sought to replace their existing Euro 5 Hackney Carriage side loading saloon vehicle with a rear loading wheelchair accessible Euro 6 vehicle, which could seat four passengers. It was confirmed that the proposed vehicle was first registered in February 2018, making the vehicle 2 years old and was a matter that could not be dealt with under delegated powers.

The proposed vehicle had been purchased and the Applicant would supply the Licensing Authority with a copy of the vehicle MOT certificate and comprehensive vehicle inspection report, following the determination of the Licensing Sub Committee, but had submitted a letter of support to the Licensing Authority. The Principal Licensing Officer referred to the report which explained the Council's Policy for plating new vehicles and the required conditions.

The Applicant was in attendance and spoke in support of the application.

He explained that he owned and operated a wheelchair accessible taxi company and undertaken wheelchair work for more than 20 years and it was his opinion that rear loading vehicles were more suitable for wheelchair users. He explained that he had a contract with Devon County Council, whose licensing policy required that wheelchair accessible vehicles be rear loading and forward facing.

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

- Side loading wheelchair accessible vehicles had longer passenger loading

times and would face the rear of the vehicle, which was considered to be less dignified and was more difficult for the driver to communicate with the passenger;

- The new vehicle would allow space for a wheel chair user and four other passengers;
- The company operated across the South West and on average, there were around 250 wheelchair pickups in a week;
- Drivers could work off taxi ranks if required, however wheelchair users were the priority.

The Principal Licensing Officer stated, that he had received a verbal confirmation of the Policy requirements from Devon County Council and had requested a copy of their policy. He further explained that the current rear loading vehicle ratio for Exeter City Council, was more than 70%.

RESOLVED that the application for the grant of a replacement Hackney Carriage Vehicle licence be approved in principle with powers delegated to the Licensing Officer to effect the replacement, subject to receipt of the replacement vehicle MOT certificate and the comprehensive vehicle inspection.

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APPLICATION FOR THE GRANT HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE OVER 4 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 Licensing Officer presented an application to grant a Private Hire Vehicle licence in relation to a vehicle that was over four years old on the application date and was a matter could not be dealt with under delegated powers. The Council's policy stated that an application for a first Private Hire vehicle licence where the vehicle in question was more than four years old, should not be granted. However the applicant could apply to the Licensing Sub-Committee for determination if the applicant considered their particular circumstances justified a deviation from the policy, to, not to grant licenses for vehicles over four years of age.

The vehicle was an Audi 8, KW15 YAF, with a recorded mileage was 84,443 miles and held a current MOT certificate dated 20 November 2019. Copies of the MOT certificate and the independent mechanical inspection report had been submitted to the Licensing Authority with the vehicle presented for inspection on 13 January 2020, which had been 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 a high end luxury vehicle, which had received multiple compliments but was operating under a temporary plate.

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

- That the vehicle had been purchased in November 2017;
- The Applicant had been made redundant from a previous job and chosen to become a taxi driver using his own vehicle;
- The vehicle was considered to be safe, containing four airbags for the driver and passengers and was a four wheel drive;
- The vehicle would be used for Executive work for Apple Taxis and would mainly be used for local pickups with some occasional longer journeys.

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

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**APPLICATION FOR THE GRANT HACKNEY CARRIAGE / PRIVATE HIRE
VEHICLE LICENCE OVER 4 YEARS OLD**

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The vehicle was a four seat Ford C Max, HY14 UHL, with a recorded mileage of 45,912 miles and held a current MOT certificate dated 9 December 2019. Copies of the MOT certificate, an independent mechanical inspection report had been submitted to the Licensing Authority and were presented to Members in the report. The vehicle and been presented for inspection on 13 January 2020 and was considered to be in a very good condition.

The Applicant was in attendance with a representative to speak in support of the application. It was explained that the vehicle was in good condition and had no reported problems. The vehicle was expected to be replaced within the year once the vehicle loan had been paid.

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

- The vehicle had not previously been used as a taxi and the Applicant had no prior experience working as a taxi driver;
- The types of journeys the vehicle would make would be designed around the requirements of the his wife's working hours, to enable a level of flexibility;
- All outstanding work needed for the vehicle had been completed and the vehicle was considered to be safe;
- The Applicant held a current taxi drivers licence.

The Principal Licensing Officer explained that if the application was approved for 12 months, the Applicants licence would be renewed annually under delegated powers and that he would not be required to attend a Licensing Sub Committee to renew the vehicle until it was more than 9 years old.

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 12.15 pm)

Chair