

LICENSING SUB-COMMITTEE

Monday 10 August 2020

Present:

Councillors Owen, Buswell and Quance

Also Present:

Legal Advisor, Principal Licensing Officer, Licensing Officer (JW), Democratic Services Officer (HB) and Democratic Services Officer (MD)

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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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APPLICATION FOR A NEW VEHICLE LICENSE RELATING TO A VEHICLE OVER 4 YEARS OLD

The Chair introduced the Sub-Committee and the Legal Advisor 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 grant a Private Hire Vehicle licence in relation to a vehicle that was over four years old on the application date and confirmed that the 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 a four passenger, non-wheelchair accessible Kia Soul Connect, with a recorded mileage of 75,364 miles. The vehicle was registered on 29 April 2014, making the vehicle over 4 years old and had not previously been plated by Exeter City Council. The applicant had submitted a current MOT certificate dated 12th June 2020 and an independent mechanical inspection report, dated 30th June 2020. Photographs of the vehicle had been submitted to the Licensing Officers, who had considered the vehicle to be in very good condition.

The Applicant was in attendance and spoke in support of the application. He explained that he was a new driver and that the Covid19 pandemic had impacted the taxi trade and that he was unable to afford the cost of buying a new vehicle. The current vehicle had a full service history but he confirmed that he would be investing in a new vehicle within four years' time.

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

- He was a new driver and had no previous experience;
- That having considered various options available, the vehicle had been purchased for taxi work during the lockdown period, which had been within his financial price range;
- That if he was unsuccessful in acquiring a taxi licence, he would have to wait until he could afford to buy a new vehicle;
- There had been two previous owners – the garage he had purchased from and one other driver;
- The vehicle inspection and MOT were done at the same time;
- The vehicle was considered to be safe and reliable,;
- The vehicle would be serviced regularly every 10,000 miles.

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

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APPLICATION FOR A LICENCE RELATING TO A RENEWAL OF A PRIVATE HIRE VEHICLE OVER 10 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 in relation to a four passenger, non-wheelchair accessible Toyota Avensis, which was first registered on 23 February 2010, making the vehicle over 10 years old. The vehicle held a current MOT certificate dated 9 July 2020, with a recorded mileage at the time of the inspection of 300,858 miles. The Applicant had submitted an independent mechanical inspection report, dated 21 July 2020 and photographs of the vehicle had been presented to the Licensing authority who had considered the vehicle to be in good condition. The vehicle was first plated by Exeter City Council on 26 April 2013 and had been licensed since that time.

Members noted that vehicles presented for renewal over 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 Principal Licensing Officer confirmed that the taxi plate was previously issued to another driver who had transferred it to the Applicant.

The Applicant was in attendance and spoke in support of the application. He explained that the vehicle interior and exterior were in good condition and

acknowledged, that, although there was a high mileage, the vehicle was well looked after and that the safety of passengers was a priority.

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

- He needed to earn money through taxi work to enable him to replace the vehicle. He was aware the vehicle was aging and would need to be replaced;
- At the time of purchase, he was unaware of the renewal policy for vehicles over 10 years old and the requirement to present the vehicle to Licensing Sub Committee within a year of the previous application;
- The vehicle had previously been used for airport trips and school runs, with occasional longer distance airport runs;
- He had undertaken work with Ola and Minute Cabs;
- He previously had engaged in specialist wheelchair pickup work, but because of the reduction in work he had moved to smaller distanced work to keep work going;
- The vehicle was also used as a family vehicle, which had further increased the mileage, but the vehicle was serviced every 10,000 miles or less, and was in good condition.

The Principal Licensing Officer explained that the policy had not changed since the Applicant had previously presented an application for renewal at a Licensing Sub Committee hearing. The Applicant would have been informed at that time that the policy stated that vehicles over 10 years old would be referred to the Licensing Sub-Committee for determination.

The Principal Licensing Officer confirmed that the vehicle had been purchased in February 2010, making the vehicle 10 years and 5 months old and that the Applicant had been operating under a temporary licence since July 2020.

The Legal Advisor highlighted that the primary concern of the Licensing Sub Committee was to be satisfied that the travelling public would be safe in the vehicle, rather than address any of the financial circumstances presented.

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

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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

RESOLVED that the hearing be deferred until the next available date.

(The meeting commenced at 10.00 am and closed at 11.35 am)

Chair