

LICENSING SUB-COMMITTEE

Friday 11 December 2020

Present:

Councillors Buswell, Henson, D and Wright

Also Present:

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

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APPOINTMENT OF CHAIR

Councillor Buswell was appointed as Chair for this meeting.

60

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

61

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

62

APPLICATION FOR A LICENCE RELATING TO A RENEWAL OF 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 vehicle was a four passenger LWB Mercedes, without wheel chair access which was first registered on 31 December 2010, making the vehicle over nine years old on the application date. A vehicle MOT certificate had been submitted, dated 28 July 2020, with a recorded mileage of 115,654 miles. An independent mechanical inspection report, dated 29 July 2020 had also been submitted. The vehicle was first plated by Exeter City Council on 18 July 2013 and the Licensing Authority considered that the vehicle was in a very good condition.

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

explained that his company previously operated as a Rolls Royce chauffeur company which converted to a Mercedes uniform chauffeuring company. During the Covid-19 pandemic, the business had been heavily impacted, with financial implications to the purchase of new vehicles.

The Legal Advisor advised the Members that financial circumstances of the Applicant are not a relevant consideration in determining the application. In response to questions from the Members, the Legal Advisor and the Principal Licensing Officer, the Applicant explained: -

- The vehicle was well maintained and in a first class condition;
- Although the passenger seating was wide to fit three persons in the back, it was a four seater vehicle; and
- The vehicle was primarily used for out of town and chauffeuring work.

The Principle Licensing Officer responded to questions presented by confirming the mileage was very low for this type of vehicle and that from 31 December 2020, the vehicle would be over 10 years old.

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

63

APPLICATION FOR A LICENCE RELATING TO A RENEWAL OF 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 vehicle was a six passenger Volkswagen Touran, without wheel chair access which was first registered on 30 March 2011, making the vehicle over nine years old on the application date. A vehicle MOT certificate had been submitted, dated 4 September 2020, with a recorded mileage of 267,568 miles. An independent mechanical inspection report, dated 16 September 2020 had also been submitted. The vehicle had been inspected by the Licensing Authority on 17 September 2020, who had considered the vehicle to be in a reasonable condition. The vehicle was first plated by Exeter City Council on 18 September 2014.

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 Principal Licencing Officer drew Member attention to the identified vehicle defects shown in the submitted MOT certificate, attached to the report.

The Applicant was in attendance and spoke in support of the application. He explained that he was asking for a year's extension, following a very difficult year of work, related to the Covid-19 Pandemic. Since March 2020, there had been very little work and the Applicant was not in a strong financial position to change vehicles. The vehicle was considered to be in a good condition, to continue running for another year.

The Legal Advisor advised the Members that financial circumstances of the Applicant are not a relevant consideration in determining the application.

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

- The vehicle has been in operation since 2014, and was in a good condition. It was regularly taken to a mechanic and following an AA inspection, was granted a certificate to show the vehicle was roadworthy;
- The brakes and drive shaft shown as defects in the report had been fixed during the AA inspection; and
- He had no concerns about the safety of the vehicle for transporting passengers.

The Principle Licensing Officer confirmed that, should the taxi plate be renewed, it would expire on 16 September 2021.

RESOLVED that the application for the renewal of a Private Hire / Hackney Carriage Vehicle licence be approved for 12 Months, subject to the receipt of evidence by the Licensing Authority, that the required work shown in the MOT report has been completed.

64

APPLICATION FOR A LICENCE RELATING TO A RENEWAL OF 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 vehicle was a six passenger Volkswagen Touran, without wheel chair access which was first registered on 13 July 2011, making the vehicle over nine years old on the application date. A vehicle MOT certificate had been submitted, dated 31 July 2020, with a recorded mileage of 222,157 miles. An independent mechanical inspection report, dated 23 July 2020 had also been submitted. The vehicle had been inspected by the Licensing Authority on 4 August 2020, and had been considered to be in a good condition. The vehicle was first plated by Exeter City Council on 6 August 2014.

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 Applicant was in attendance and spoke in support of the application. He explained that there had been very limited available work during 2020, which impacted his financial situation to purchase a new vehicle. The current vehicle was considered to be roadworthy and in a good condition, with no issues.

The Legal Advisor advised the Members that financial circumstances of the Applicant are not a relevant consideration in determining the application.

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

- The vehicle was used for school runs and general taxi work, but to a very limited extent, during the current pandemic. He had also been advised by his Doctor to avoid long periods of time sitting in a car, so where there were no jobs available, he would stay at home; and
- The vehicle was serviced every 10,000 miles.

The Principle Licensing Officer confirmed that, should the taxi plate be renewed, it would expire on 5 August 2021.

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

65 **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**

The Chair introduced the Licensing Sub Committee Members and Officers.

The driver 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 Legal Advisor set out the procedure for the hearing and the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Legal Advisor stated that evidential burden was not on the Licensed Driver to prove he was fit and proper but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licensed Driver was no longer a fit and proper person. Every case before the Licensing Sub-Committee was heard on its individual merits and its paramount concern is the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the application, which had been submitted to renew of a Hackney Carriage/Private Hire driver's licence on 23 October 2020 and had identified a conviction from a DBS check.

The Licenced Driver was in attendance and spoke in support of their application, responding to questions presented from Members, the Legal Advisor and the Principle Licensing Officer.

RESOLVED that the Licensing Sub-committee was not satisfied that the Licensed Driver was a fit and proper person to hold a taxi driver's licence and revoked the licence.

(The meeting commenced at 10.00 am and closed at 12.55 pm)

Chair