

## **LICENSING SUB-COMMITTEE**

Thursday 28 January 2021

### **Present:**

Councillors Owen, Buswell and Wright

### **Also Present:**

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

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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's 1 and 2 of Part I, Schedule 12A of the Act.

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

#### **TOWN POLICE CLAUSES ACT 1847**

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### **APPLICATION TO GRANT A LICENCE RELATING TO A PRIVATE HIRE 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 which was over 4 years old at initial licensing. The vehicle was a four passenger Honda Accord, without wheel chair access, which had been first registered on 24 September 2012.

A vehicle MOT certificate had been submitted, dated 22 September 2020, with a recorded mileage of 101,895 miles. An independent mechanical inspection report had also been submitted, which was dated 22 September 2020 and the vehicle has been inspected by a Licensing Officer on 24 September 2020, which had been considered to be in a good condition.

The Principal Licensing Officer explained the Taxi Policy, which stated that vehicles presented for a grant for a first private hire vehicle licence, which were more than four year's old, should not be granted. The applicant would be given the right to apply for the application to be considered by a licensing sub-committee if

they considered that their circumstances justified a deviation from the policy.

The Applicant was in attendance and spoke in support of the application. He explained that the vehicle was in good condition and well looked after. The vehicle was fully serviced every 10,000 miles and held a full service history. The current Covid19 Pandemic and lockdown, impacted on the affordability of a new vehicle. His priority was to continue working to support his family.

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

- that the vehicle had been purchased in October 2020 to be used as a taxi;
- he was aware that the Licensing Policy recommended refusal for vehicles over four years old, but his financial situation prevented him from purchasing a newer car. He was only able to afford this vehicle, to replace his previous vehicle which had also been used for taxi work;
- the vehicle had been purchased from a friend who had used it for travelling to work and family matters;
- he would be undertaking local journeys, mainly for school runs and picking up customers in and around the city; and
- that there were no issues with the vehicle, which was well looked after, and was regularly cleaned and sanitized.

In response to questions from the Legal Advisor, the Principal Licensing Officer, explained:

- should the application be granted for 12 months, it would commence from October 2020, where it was initially given a temporary plate; and
- from October 2021, the vehicle would over nine years old and the Applicant would need to present the vehicle to the Licensing Sub Committee again and submit a new mechanical inspection report.

**RESOLVED** in this instance the Licensing Sub-Committee exercised its discretion to depart from its Taxi Policy and grant the Application up to and including the 23<sup>rd</sup> September 2021 on the basis that there were exceptional circumstances as a result of the Coronavirus Pandemic and the vehicle was mechanically sound as evidenced by the independent mechanical inspection and the Licensing Authorities inspection confirmed the vehicle was in good condition.

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#### **APPLICATION TO RENEW A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 9 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 the application to renew a private hire vehicle licence for a vehicle which was over 10 years old at the renewal date and could not be dealt with under delegated powers. The vehicle was a six passenger Vauxhall Zafira, without wheel chair access and had been first registered on 8 September 2010.

A vehicle MOT certificate had been submitted, dated 20 August 2020, with a recorded mileage of 238,670 miles. An independent mechanical inspection report had also been submitted, which was dated 5 January 2020 and the vehicle has been inspected by a Licensing Officer on 13 November 2020, which had been

considered to be in a reasonable condition.

The Principal Licensing Officer explained the Taxi Policy, which stated that vehicles presented for renewal aged between 9 and 10 years old would be referred to the licensing sub-committee for determination. Vehicles over 10 years old should not be granted, however, the applicant would be the right to apply for the application to be considered by a licensing sub-committee if they considered that their circumstances justified a deviation from the policy.

The Applicant was in attendance and spoke in support of the application. He explained that vehicle was in good condition and serviced to the highest standards available and ahead of the suggested timings from the manufacturers guidelines.

The vehicle was used for a dedicated school run, in which the vehicle was suitable for a specific child. The vehicle made low mileage distance trips for the school runs and did its job very well.

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

- that prior to the Coronavirus Pandemic, the vehicle had been rented to another driver, where it had been used for longer journeys, but was now only being used for short distance trips and keeping the mileage down;
- that the photograph of the car floor, shown in the application documents was not a good quality picture. Since the photograph had been taken, new rubber floor mats had been put in, but he would need to confirm with the driver that this had been completed. All drivers have been told to ensure vehicles were kept to a high standard;
- prior to the Covid19 Pandemic, the fleet of vehicles were replaced more regularly. The passenger was likely to continue the school runs for another year, and once finished with school, a new vehicle would be purchased.

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

- the Licensing Authority had no issues with the vehicle, which was considered to be in reasonable condition, given its age and use as a fleet vehicle; and
- should the licence be granted, it would expire on 11 August 2021.

**RESOLVED** in this instance the Licensing Sub-Committee exercised its discretion to depart from its Taxi Policy and grant the Application up to and including 11<sup>th</sup> August 2021. This was on the basis that there were exceptional circumstances as a result of the Coronavirus Pandemic and the vehicle was mechanically sound as evidenced by the independent mechanical inspection. The Sub-Committee also noted that the vehicle would only be used for limited journeys in particular for a specific user who had specific needs.

**APPLICATION TO RENEW A LICENCE RELATING TO A PRIVATE HIRE  
VEHICLE OVER 9 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 the application to renew a private hire vehicle licence for a vehicle which was over 10 years old at the renewal date and could not be dealt with under delegated powers. The vehicle was an eight passenger Renault Traffic, with wheel chair access and had been first registered on 31 March 2010.

A vehicle MOT certificate had been submitted, dated 3 November 2020, with a recorded mileage of 272,427 miles. An independent mechanical inspection report had also been submitted, which was dated 15 January 2021 and the vehicle has been inspected by a Licensing Officer on 6 November 2020, which had been considered to be in a reasonable condition. It was noted that there references from the inspection report relating to windscreen damage and corrosion on the brake pipes.

The Principal Licensing Officer explained the Taxi Policy, which stated that vehicles presented for renewal aged between 9 and 10 years old would be referred to the licensing sub-committee for determination. Vehicles over 10 years old should not be granted, however, the applicant would be the right to apply for the application to be considered by a licensing sub-committee if they considered that their circumstances justified a deviation from the policy.

The Applicant was in attendance and spoke in support of the application. He explained that the vehicle was solely used for school runs between Exeter and East Devon to carry up to six children and their school escort. It was also available as a spare wheelchair accessible vehicle for the fleet. The vehicle was well maintained and had been subject to various works including, new tyres and cleaning of the brake pipes, removing the surface level rust. There was a dent on the rear quarter which was caused when it was previously used by Apple Taxis for regular pick-up work, but otherwise was in good condition.

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

- that the windscreen damage was caused by a small stone chip, at the bottom of the windscreen and outside of the driver's visibility. He would provide confirmation that the repair work had been completed; and
- the expected mileage over the year was expected to be between 8,000 and 12,000 miles running between Exeter and Bicton College.

**RESOLVED** in this instance the Licensing Sub-Committee exercised its discretion to depart from its Taxi Policy and grant the Application up to and including 10<sup>th</sup> August 2021 subject to the Applicant providing evidence to the Licensing Authority that any required remedial work for the windscreen has been completed. This was on the basis that there were exceptional circumstances as a result of the Coronavirus Pandemic and the vehicle was mechanically sound as evidenced by the independent mechanical inspection.

**APPLICATION TO GRANT A LICENCE RELATING TO A PRIVATE HIRE  
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 which was over 4 years old at initial licensing and could not be dealt with under delegated powers. The vehicle was a four passenger Mercedes-Benz, without wheel chair access, which had been first registered on 30 June 2011.

A vehicle MOT certificate had been submitted, dated 16 September 2020, with a recorded mileage of 96,674 miles. An independent mechanical inspection report had also been submitted, which was dated 24 November 2020 and the vehicle has been inspected by a Licensing Officer on 15 December 2020, which had been considered to be in a good condition. The vehicle had been previously plated by Exeter City Council on 13 November 2018, and remained licensed until 12 November 2020. An initial application to renew the vehicle was submitted on 19 November 2020 but the application was not duly made until 27 November 2020.

The Principal Licensing Officer explained the Taxi Policy, which stated that vehicles presented for a grant for a first private hire vehicle licence, which were more than for year's old, should not be granted. The applicant would be given the right to apply for the application to be considered by a licensing sub-committee if they considered that their circumstances justified a deviation from the policy. As the vehicle had been previously licenced by Exeter City Council and the application to renew was not made un 27 November 2020, the application was being considered as a grant for a new licence.

The Applicant was in attendance and spoke in support of the application. He explained that his original licence had lapsed due to a delay in providing documents electronically, between himself and the Licensing Authority. During the Covid19 Pandemic and lockdown he was unable to work because of his wife's underlying health issues and the need to self-isolate. Should his application be successful, he would look to purchase a new vehicle within the next 12 months.

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

- that he was expecting to resume taxi work following the end of the current lockdown period and was expecting to undertake local pickups and some occasional longer distance pickups; and
- there were no issues with the vehicle, which was considered to be mechanically sound.

In response to questions from Members, the Principal Licensing Officer, explained that the vehicle had a temporary licence, which would run to the end of February 2020. Should the application be successful, it would commence from 10 November 2020 and run to November 2021.

**RESOLVED** in this instance the Licensing Sub-Committee exercised its discretion to depart from its Taxi Policy and grant the Application up to and including 10<sup>th</sup> December 2021. This was on the basis that there were exceptional circumstances as a result of the Coronavirus Pandemic and the vehicle was mechanically sound as evidenced by the independent mechanical inspection and the Licensing Authorities inspection confirmed the vehicle was in good condition.

(The meeting commenced at 10.00 am and closed at 11.55 am)

Chair