

LICENSING SUB-COMMITTEE

Thursday 4 March 2021

Present:

Councillors Buswell and Wood

Apologies:

Councillor Warwick

The meeting was quorate to proceed under Standing Order 42 (2), which states that business shall not be transacted at a Sub-Committee unless at least one quarter of the whole number of the Sub-Committee is present. Provided that in no case shall the quorum of a Sub-Committee be less than two members.

Also Present:

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

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APPOINTMENT OF CHAIR

Councillor Wood 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 THE GRANT OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 4 YEARS OLD.

The Chair introduced the Licensing Sub-Committee and the Legal Advisor set out the procedure for the hearing advising of 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. The vehicle was a four passenger Peugeot Expert, with wheel chair access, which had been first registered on 1 October 2015.

A vehicle MOT certificate had been submitted, dated 3 February 2021, with a recorded mileage of 56,608 miles. An independent mechanical inspection report had been submitted dated 8 February 2021 and the vehicle was inspected by a

Licensing Officer on 11 February 2021 who considered it to be in a good condition. The Principal Licensing Officer referred to the report, which highlighted that there was corrosion on the exhaust pipe and 2mm wear on the tyres.

The vehicle had previously been licensed by Exeter City Council, however the licence had expired on 29 September 2020. An application to renew the vehicle had been submitted in February 2021 however under the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Driver, the vehicle licence could not be renewed and the application was to be treated as new application.

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 used as part of the WAVE (Wheelchair Access Vehicles Exeter) fleet and it was administration error, in which the previous vehicle licenced had lapsed. The staff at WAVE had been working throughout the COVID 19 Pandemic, in which customers had come to rely on their service and should the vehicle not be plated, it would affect their customers and the driver who would likely no longer be employed.

The Applicant commented on the vehicle, stating that the tyres had been replaced and all vehicles had spare tyres and held comprehensive AA breakdown cover. All vehicles were fully serviced and any work required was done immediately.

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

- The tyres had been replaced and tyre repair gel was kept in the vehicle. The corrosion on the exhaust pipe could be picked up at the next MOT, but the vehicle had been fully serviced;
- Should the corrosion become serious it would be resolved immediately, however any work that was requested to be actioned would be done;
- The next MOT was expected in February 2022, but should the exhaust pipe show signs of failure it would be changed;
- The vehicle was serviced every 20,000 miles, and wouldn't be serviced again before February 2022;
- The tyres had been replaced and should they fail, the breakdown cover would transport the vehicle to the approved garage to replace them;
- The types of journey were dependant on the customer and varied in distances made;
- He had full confidence in the vehicle to undertake its work, which was an ex mobility vehicle maintained to a high standard;
- The vehicle had been purchased through a trader using the mobility scheme;
- The wheelchair access ramp was not electronically controlled and had been adapted during the conversion. Padding had been installed to prevent the ramp from rattling while the vehicle was in in motion;
- The business had a large customer base both locally and nationally, and the loss of the vehicle would have a detrimental impact; and
- That he acknowledged missing the renewal date but there had been no reminder from the Licensing Authority.

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

- A Licensing Officer would be delegated to inspect and ensure the vehicle was safe and roadworthy and evidence of any work completed to the vehicle would be requested;
- Fold down wheelchair access ramps were demonstrated and checked during inspection by a Licensing Officer. Electronic hoists would be covered under Health and Safety regulations; and
- There had been correspondence issued to the Applicant, but this was a complimentary service undertaken by the Licensing Authority and the responsibility was on vehicle owners to ensure they renew the taxi plates when required.

RESOLVED that the application for the grant of the Private Hire Vehicle licence be approved for 12 months, subject to evidence presented to the Licensing Authority to confirm that the work on the tyres and service has been completed.

17 **APPLICATION FOR THE RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 9 YEARS OLD.**

The Chair introduced the Licensing Sub-Committee and the Legal Advisor set out the procedure for the hearing advising of 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 vehicle which was over 9 years old at the renewal date. The vehicle was a six passenger Vauxhall Zafira, without wheel chair access, which had been first registered on 28 October 2011.

A vehicle MOT certificate had been submitted, dated 28 January 2021, with a recorded mileage of 240,992 miles. An independent mechanical inspection report had also been submitted, which was dated 5 February 2021 and the vehicle has been inspected by a Licensing Officer on 11 February 2021, 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 the vehicle was in good condition and was well looked after. It was used solely for school pick-ups and had recently changed its use for a specific school run, replacing another vehicle which was recently re-licensed, and which was now off the road for repair. The Applicant highlighted that all vehicles were well maintained despite a struggling economy and this vehicle was being used for a specific child's needs for school pickups.

In response to a question from the Legal Advisor, the Principal Licensing Officer, Explained that there were no issues identified by the Licensing Authority in regards to the vehicle.

RESOLVED that the application for the renewal of Private Hire Vehicle licence be

approved for 12 months.

18 **APPLICATION FOR THE RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE VEHICLE OVER 9 YEARS OLD.**

The Chair introduced the Licensing Sub-Committee and the Legal Advisor set out the procedure for the hearing advising of 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 vehicle which was over 9 years old at the renewal date. The vehicle was an eight passenger Vauxhall Vivaro, without wheel chair access, which had been first registered on 7 March 2011.

A vehicle MOT certificate had been submitted, dated 12 January 2021, with a recorded mileage of 229,801 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 19 January 2021, 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 the vehicle was a specialist coach vehicle which was in good condition, capable of collecting up to six children and two escorts. The vehicle had been altered, removing the two front seats and placing them at the back of the vehicle and was unique for the work it undertook.

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

- The vehicle was used for pickups and school runs around Exeter, and averaged between 6,000 and 8,000 miles between MOT's, and was a specialist coach build designed to supported child safety.

The Principal Licensing Officer commented on the mechanical inspection report being good, with a few disclaimers but highlighted that no additional work was required.

RESOLVED that the application for the renewal of Private Hire Vehicle licence be approved for 12 months.

19 **APPLICATION FOR THE REPLACEMENT (GRANT) OF A HACKNEY CARRIAGE VEHICLE LICENCE**

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 replace a Hackney

Carriage Vehicle, which was in not in accordance with the Council's Practises and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers.

The Applicant proposed to replace his existing Euro 6, Peugeot Horizon wheelchair accessible with a Toyota Prius ultra-low emission vehicle (ULEV). In December 2020, the Applicant had requested and was granted a notice of exemption from undertaking mobility assistance to passengers in wheelchairs (Section 166 Equality Act 2010), due to ongoing pain and mobility issues with his wrist. The exemption request was supported by a GP Letter that stated the Applicant should not lift more than 40kg and be exempt from wheelchair work. The proposed replacement vehicle had not yet been purchased and it was confirmed the Applicant would be the only driver although it was noted that Hackney vehicles could be used by other drivers.

The Principal Licensing Officer highlighted that the Licensing Sub-Committee must have regard to 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, which stated that all new vehicles plated for the first time by the Council would need to comply with conditions outlined in the report. 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. Applications for rear loading wheelchair accessible vehicles would only be invited when the proportion of side loading vehicles were equal to or exceeding 50% of the wheelchair accessible vehicles on the fleet.

The Applicant was in attendance and spoke in support of the application. He explained that he had previously broken his arm which hadn't been set correctly leading to further breaks and the wrist bone no longer being straight, leading to severe pain in his wrist, affecting his ability to undertake wheelchair access work. The Applicant further commented on the effects of pollution, causing inflammation in his nose and that he had been advised to change to a lower emission vehicle to decrease his contact with pollution. He confirmed that no other drivers would be using the proposed vehicle.

In response to a question from the Legal Advisor, the Principal Licensing Officer, Explained that currently there were 85 Hackney Carriage vehicles in the fleet, split between 43 wheelchair accessible vehicles and 42 low emission vehicles. Should the Licensing Sub Committee be minded to approve the application, then this would change to 42 wheelchair accessible vehicles and 43 low emission vehicles.

RESOLVED that the application for the vehicle replacement be approved in principle and delegation be made to the to the Principal Licensing Officer to grant the Vehicle Licence provided all other requirements of the Council's Practises and Procedures for the Control of Hackney Carriage and Private Hire Vehicles Drivers and Operators are met.

APPLICATION FOR THE GRANT OF 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. The vehicle was a four passenger Peugeot Boxer, with wheel chair access, which had been first registered on 25 October 2013.

A vehicle MOT certificate had been submitted, dated 18 February 2021, with no recorded mileage available at the time of the MOT due to their being no odometer. The last recorded mileage in October 2019 was 183,042 miles. An independent mechanical inspection report had also been submitted, which was dated 12 January 2021. The vehicle had not been presented to Licensing Officer for inspection due to the current restrictions related to the Covid-19 pandemic. The applicant had provided a series of photos which had been assessed by a Licensing Officer who considered the vehicle to be in a good condition. The Principal Licensing Officer noted from the report, that there were some mechanical issues relating to the front and back brake discs and suspension springs.

The Applicant was in attendance and spoke in support of the application. He explained that he worked for an established company, providing contract work to Devon County Council, with an overall fleet of 3-4,000 cars across the country. Vehicles were purchased new and changed every six months, however the company policy on wheelchair accessible vehicles had been recently changed to allow purchase of new or six month old vehicles to be used, with this particular vehicle being the only exception.

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

- The work highlighted on the invoice had been completed and was submitted to the Licensing Authority;
- The child locks on the vehicles were a requirement for work with Devon County Council and were to the required standard, using the same garage provider as Devon County Council;
- Any work requiring action on the mechanical inspection report would be completed, however advisories wouldn't of been completed, but would be if required by the Licensing Authority;
- The vehicle mileage was 2480 miles, following a clock reset after its purchase, to allow the recording of miles in which the company does. Overall with the previous mileage it would be around 185, 522 miles;
- The vehicle had previously been used as a private ambulance and had not been licenced as a taxi before, however the company had two other vehicles licenced with the City Council;
- The vehicle could support up to two wheelchair users at any one time;
- The MOT had been recently completed, in which the front brake disc had not been identified as an issue, but it would be resolved as requested; and
- The vehicle would likely be used for up to a year, before a replacement vehicle would be purchased.

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

- that there was a demand for additional wheel chair accessible Private Hire vehicles in the fleet and that details of all available wheelchair accessible vehicles was available on the City Council website; and
- the vehicle would be inspected by a Licensing Officer before any licence was granted, to ensure it was roadworthy, and that the Licensing Authority had the power to suspend a vehicle licence until the vehicle was considered safe.

RESOLVED in this instance the Licensing Sub-Committee exercised its discretion to depart from its Taxi Policy and grant the Application for the renewal of Private Hire Vehicle licence up to and including the 4 March 2022, subject to evidence presented to the Licensing Authority to confirm that the work on the front and rear brake discs and suspension springs had been completed and a satisfactory inspection by the Licensing Authority.

(The meeting commenced at 10.05 am and closed at 12.27 pm)

Chair