

LICENSING SUB-COMMITTEE

Friday 27 August 2021

Present:

Councillors Holland and Wright

Also Present:

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

45

APPOINTMENT OF CHAIR

Councillor Holland was appointed as Chair for this meeting.

46

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

47

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.

48

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub Committee Members and Officers, and advised that the meeting was quorate to proceed with two Members. The Applicant, who was in attendance confirmed to proceed with the hearing with two members.

The Legal Advisor set out the procedure together with the law and policy considerations.

The Principal Licensing Officer, presented the report which advised, that the Applicant was seeking the approval of the Licensing Sub-Committee for a street trading consent applicable to the following designated consented streets:-

- MS Centre Car Park, EX2 7EY;
- The Kyrangle, off Digby Drive, Clyst Heath; and
- Outside 1 Apple Farm Grange, Old Rydon Close.

The Applicant had applied for a 6-month licence to trade 7 days a week between 06:00 hours and 14:30 hours. The Applicant was proposing to sell coffee and soft drinks from a purpose-built coffee trike and had supplied photographs of the proposed coffee trike and details of the requested locations. Members were informed that the application had been circulated to Environmental Health and Devon County Highways in line with the Street Trading Policy.

The Applicant spoke in support of the application, stating that the proposed coffee

trike would support a number of the Councils' policies and procedures.

The Applicant emphasised that health and safety was important to the business and all litter and cups would be collected at each location. The Applicant confirmed that they held a certified gas safety certificate, that fire safety equipment would be available and that all risk assessments had been completed. Members were informed that the Applicant held a five star food hygiene rating from Environmental Health and that the proposed locations would not have any highway, noise or pollution impact.

The Applicant responded to questions from Members and the Legal Advisor.

RESOLVED that the application be approved with the following conditions:

- a) all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- b) the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- c) the use of A boards and flags be prohibited;
- d) the consent holder will not conduct fly posting;
- e) in the event that issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health and Community Safety in consultation with the Chair of the Licensing Committee;
- f) in line with the Council's resolution of 24th April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

49

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

The Chair introduced the Sub-Committee and advised that the meeting was quorate to proceed with two Member's. The Applicant, who was in attendance confirmed to proceed with the hearing with two members.

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 and Section 37 of the Town and Police Clauses Act 1847.

The Principal Licensing Officer presented the 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 had proposed to replace the existing Euro 6 wheelchair accessible with ultra-low emission vehicle (ULEV). The Applicant had previously requested

and was granted a notice of exemption from undertaking mobility assistance to passengers in wheelchairs.

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 further 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 and responded to questions, from Members, the Legal Advisor, and the Principal Licensing Officer.

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.

50

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

The Chair introduced the Sub-Committee and advised that the meeting was quorate to proceed with two Member's. The Applicant, who was in attendance confirmed to proceed with the hearing with two members.

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 the application to renew a Private Hire Vehicle licence in relation to a vehicle which was over 9 years old at the renewal date licensing.

A vehicle MOT certificate had been submitted, with an independent mechanical inspection report. The vehicle had been inspected by a Licensing Officer, which had been considered to be in a good condition. Additional photographs of the vehicle had been submitted and included in the report presented at the meeting.

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 shall not be granted, however, the Applicant has the right to apply for the application to be considered by a Licensing Sub-Committee if the Applicant considers that their circumstances justified a deviation from the policy.

The Applicant was in attendance and spoke in support of the application and responded to questions, from Members, the Legal Advisor, and the Principal Licensing Officer.

RESOLVED that the application for the renewal of a Private Hire Vehicle licence be granted until 15 April 2022.

51 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVERS VEHICLE LICENCE OVER 10 YEARS OLD**

The Chair introduced the Sub-Committee and advised that the meeting was quorate to proceed with two Member's. The Applicant, who was in attendance confirmed to proceed with the hearing with two members.

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 the application to renew a Private Hire Vehicle licence in relation to a vehicle which was over 10 years old at the renewal date licensing. The vehicle was a 4 passenger Ford Mondeo without wheel chair access which had been first registered on 5 October 2010.

A vehicle MOT certificate had been submitted, with an independent mechanical inspection report. The vehicle had been inspected by a Licensing Officer, which had been considered to be in a good condition. Additional photographs of the vehicle had been submitted and included in the report presented at the meeting.

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 shall not be granted, however, the Applicant has the right to apply for the application to be considered by a Licensing Sub-Committee if the Applicant considers that their circumstances justified a deviation from the policy.

The Applicant was in attendance and spoke in support of the application and responded to questions, from Members, the Legal Advisor, and the Principal Licensing Officer.

RESOLVED that the application for the renewal of a Private Hire Vehicle licence be granted until 30 January 2022.

(The meeting commenced at 9.30 am and closed at 12.30 pm)

Chair