

LICENSING SUB-COMMITTEE

Thursday 20 January 2022

Present:

Councillors Buswell, Holland and Vizard

Also Present:

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

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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.

8

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub Committee Members and Officers.

The Legal Advisor set out the procedure for the hearing and the Applicant who was in attendance, confirmed that the procedure was understood.

The Licensing Officer, presented the report which advised, that the Applicants were seeking the approval of the Licensing Sub-Committee for a street trading consent at Bittern Road, Exeter. The Applicant currently held a 12 month Street Trading Consent and had applied to vary the existing Street Trade Consent to relocate due to the current trading location being repurposed for electric vehicle charging stations in the near future.

The Applicant had applied to trade between Monday to Friday between 07:00 hours and 15:00 hours. A copy of the supporting information and photographs of the trading unit, menu and trading locations had been submitted as part of the application. Members noted 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 and 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

9 APPLICATION FOR THE RENEWAL OF A LICENCE RELATING TO A PRIVATE HIRE DRIVERS VEHICLE OVER 10 YEARS OLD

The Chair introduced the Licensing Sub Committee Members and Officers.

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 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.

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 reasonable condition for the age and mileage. Additional photographs of the vehicle had been submitted and included in the report presented at the meeting.

The 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 had 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 who was in attendance spoke in support of the application and responded to questions, from Members and the Legal Advisor.

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

**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 Applicant had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a taxi drivers licence.

The Legal Advisor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Legal Advisor stated that evidential burden was on the applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub- Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Licensing Officer presented the report and gave evidence in respect of the application. The Applicant was in attendance, and spoke in support of the application and responded to questions from the Members and Legal Advisor.

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

(The meeting commenced at 10.00 am and closed at 12.13 pm)

Chair