

## **LICENSING SUB-COMMITTEE**

Wednesday 22 February 2023

### **Present:**

Councillors Foale, Asvachin and Holland

### **Also Present:**

Legal Advisor, Principal Licensing Officer, Licensing Officer (GP), Apprentice Solicitor (MM) and Democratic Services Officer (SLS)

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### **APPOINTMENT OF CHAIR**

Councillor Asvachin 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 1982**

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### **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 application which sought the approval for two separate roving street trading consents for two jiffy vans, for a 12 month period between 07:00 hours and 17:00 hours, Monday to Friday. The Applicant was proposing to sell a range of hot and cold food and drinks, and the business was registered with Environmental Health at Exeter City Council and had achieved a Four out of Five rating at their last inspection on 24 March 2022.

Members noted that the Applicant had been trading from mobile jiffy vans, primarily around the commercial trading estates within Exeter, and due to a misunderstanding by the owners of vans, Consent for Street Trading at these locations had not been applied for prior to this application. The Applicants were made aware of the requirement for a Street Trading consent and had subsequently applied.

The Applicant was in attendance and spoke in support of the application and responded to questions from Members. The Applicant advised that the aim was for this element of the business to be as sustainable as possible, and using where possible, locally sourced primary ingredients for the menu, with all packaging and

cutlery compostable or recyclable.

**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 100 metres 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; and
- 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**

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**APPLICATION TO RENEW A PRIVATE HIRE VEHICLE LICENCE OVER 9 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 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. The Applicant had submitted a vehicle MOT certificate dated 2 December 2022, with a recorded mileage of 200,509 and had raised no mechanical concerns. An independent mechanical inspection report, dated 11 January 2023 had also been submitted.

The vehicle had been inspected by a Licensing Officer, and had been considered to be in a good condition. Additional photographs of the vehicle had also been submitted and the vehicle was confirmed to have been plated by Exeter City Council since 4 January 2016.

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 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. He confirmed that the vehicle, which was wheelchair accessible, was reliable and provided a useful service.

**RESOLVED** that the application for the renewal of a Private Hire Vehicle licence be granted for 12 months.

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**APPLICATION TO RENEW A PRIVATE HIRE VEHICLE LICENCE OVER 9 YEARS OLD**

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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 nine years old at the renewal date. The Applicant had submitted a vehicle MOT certificate dated 22 December 2022, with a recorded mileage of 161,956 and raised no concerns following checks.

An independent mechanical inspection report, dated 5 January 2023 had also been submitted. The vehicle had been inspected by a Licensing Officer, and had been considered to be in a good condition. Additional photographs of the vehicle had also been submitted and the vehicle was confirmed to have been plated by Exeter City Council since 20 January 2017.

The Principal Licensing Officer explained the Taxi Policy, which stated that vehicles presented for renewal aged between nine 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.

**RESOLVED** that the application for the renewal of a Private Hire Vehicle licence be granted for 12 months, subject to a further check on the interior of the vehicle by the Licensing Officer.

(The meeting commenced at 10.00 am and closed at 11.30 am)

Chair