

LICENSING SUB-COMMITTEE

Thursday 30 March 2023

Present:

Councillors Holland, Newby and Vizard

Also Present:

Service Lead Legal Services, Solicitor, Principal Licensing Officer, Licensing Officer (GP), Licensing Officer (JS) and Democratic Services Manager

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APPOINTMENT OF CHAIR

Councillor Holland was appointed as Chair for this meeting.

27

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.

29

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub Committee Members and Officers.

The Legal Advisor set out the legislation and 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 a street trading consent for Merriot House car park, Hennock Road at Marsh Barton, and had applied to trade for a 12 month period for the following:-

- Monday to Friday between 07:30 hours and 15:00 hours; and
- Saturday between 07:30 hours and 14:00 hours.

The Applicant was proposing to sell a range of burgers, hot and cold rolls, hot and cold drinks and sweet and savoury snacks. The Applicant had submitted supporting photographs which were included in the agenda and had registered with Environmental Health at Exeter City Council, achieving a five out of five rating at their last inspection. The application had received no representations from Environmental Health, Devon County Highways, Exeter City Council Estates or from Members.

Members noted that the applicant had been trading at this location with permission from the proprietors but due to a misunderstanding by the applicant, a Street Trading Consent had not been applied for prior to the application. The Applicant having been made aware of the requirement for a Street Trading Consent had since submitted the application.

The Applicant was in attendance and spoke in support of the application and responded to questions from Members. The Applicant advised that she had been trading for 31 years and used locally sourced produce and suppliers, serving the local community and businesses in the area. She also advised that daily waste recycling was done on site and vegetarian options had been considered but there was a limited demand from customers.

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

30

APPLICATION TO RENEW A LICENCE RELATING TO A PRIVATE HIRE VEHICLE 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 Legal Advisor explained that the Taxi Policy, 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 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 1 March 2023, with a recorded mileage of 314,602 and a check of the MOT history raised no concerns. An independent mechanical inspection report, dated 13 February 2023 had also been submitted.

The vehicle had been inspected by a Licensing Officer, and had been considered

to be in an excellent condition and photographs of the vehicle had been provided to Members. The vehicle was confirmed to have been plated by Exeter City Council since 4 April 2017.

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 granted for 12 months.

31 **APPLICATION TO RENEW A LICENCE RELATING TO A PRIVATE HIRE
VEHICLE 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 Legal Advisor explained that the Taxi Policy, 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 Principal Licensing Officer presented the application for a licenced driver 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 30 January 2023, with a recorded mileage of 227,849 and confirmed that the concerns raised about the brakes had been addressed. An independent mechanical inspection report, dated 1 February 2023 had also been submitted. Additional photographs of the vehicle had also been submitted and the vehicle was confirmed to have been plated by Exeter City Council since on 23 February 2017.

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 granted for 12 months.

32 **APPLICATION TO RENEW A LICENCE RELATING TO A HACKNEY
CARRIAGE 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 37 of the Town Police Clauses Act 1847 and explained the Taxi Policy, which stated that Hackney Carriage Vehicles presented for renewal aged over 8 years would be referred to the Licensing Sub Committee for determination.

The Principal Licensing Officer presented the application to renew a Hackney Carriage Vehicle licence in relation to a vehicle which was over 10 years and 5 months old at the renewal date. The vehicles had been first registered with the Council on 1 September 2012.

The Applicant had submitted a vehicle MOT certificate dated 24 January 2023, with a recorded mileage of 221,292 miles, and a check of the MOT history raised no concerns. An independent mechanical inspection report, dated 1 February 2023 had also been submitted. The vehicle had been inspected by a Licensing Officer, who had considered the vehicle to be in a good condition. Photographs of the vehicle had also been submitted to Members. The vehicle had first plated by Exeter City Council on 2 February 2017 and licensed since that time.

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

The Licensing Sub Committee, having considered the application, were minded to grant the licence, but considered that the submitted vehicle inspection report to be insufficient. They requested a detailed engineers report from an approved engineer be submitted to the Licensing Authority, with a detailed opinion of the vehicles suitability, as a condition on granting the licence.

RESOLVED that the application for the renewal of a Hackney Carriage licence be granted for 12 months, subject to the Licensing Authority receiving of a detailed engineers report from an approved engineer, expressing a written opinion of the vehicle's condition within 21 days of the meeting.

(The meeting commenced at 10.00 am and closed at 12.50 pm)

Chair