

LICENSING SUB-COMMITTEE

Thursday 27 July 2023

Present:

Councillors Foale, Holland and Sheridan

Also Present:

Principal Licensing Officer, Legal Advisor, Apprentice Solicitor and Democratic Services Manager

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.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

48

APPLICATION IN PRINCIPLE FOR ELECTRIC WHEELCHAIR ACCESSIBLE VEHICLE (WAV)

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, Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 and the criteria for granting Hackney carriage vehicle licences, in the Taxi Policy.

The Principal Licensing Officer presented the report from the Applicant, who was seeking in principle permission to apply for a Hackney Carriage licence for a fully electric Wheelchair Accessible Vehicle (WAV), which had not yet been purchased.

The Applicant was seeking to licence an all-electric WAV. Members noted that there was currently a shortage of WAV's within Exeter and the Principal Licensing Officer confirmed this.

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 determined the application and the submissions from the Applicant, were satisfied to deviate from the policy to

promote the Council's green policy and meet unmet demand for Hackney Carriage Vehicles.

RESOLVED that the Licensing Sub-Committee grant in principle approval for the Applicant to submit an application to the Council and that delegated authority be granted to the Principal Licensing Officer to determine the application.

49 **APPLICATION TO RENEW HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE OVER 9 YEARS OLD**

The Chair introduced the Licensing Sub Committee Members and Officers.

The Apprentice Solicitor 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 1 June 2023, with a recorded mileage of 171,504. An independent mechanical inspection report, dated 26 May 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 8 July 2020.

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, subject to the brakes being checked and the evidence sent to the Licensing Authority.

50 **REQUEST FOR DECISION IN PRINCIPLE TO LICENCE A HACKNEY CARRIAGE**

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 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 and Section 37 of the Town Police Clauses Act 1847.

The Principal Licensing Officer presented the detail of a request from the Applicant seeking permission to apply for a licence for a Hackney Carriage and is requesting permission to licence a saloon Ultra Low Emission Vehicle (ULEV), which was a departure from the Council's Taxi Policy and could not be dealt with under delegated powers.

The Applicant currently held a dual driver's badge which permits him to drive both Hackney Carriage and Private Hire Vehicles, but now wished to apply for a Hackney Carriage Vehicle licence due to medical issues preventing them from being able to take passengers in wheelchairs and had submitted an Occupational

Health Report. The Applicant had not yet purchased a replacement vehicle and was seeking approval of the Licensing Sub Committee prior to any purchase.

Members were referred to the Council's Taxi Policy which required that a minimum of 50% of all Hackney Carriages are wheelchair accessible vehicles (WAVs) before any application for a saloon ULEV would be considered by the Council. Currently 40% of Hackney Carriage Vehicles were WAVs.

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

RESOLVED in this instance the Licensing Sub-Committee exercised its discretion to depart from its Taxi Policy and grant the approval in principle. This was on the basis that there were exceptional circumstances as a result of the medical circumstances of the Applicant. The Licensing Sub Committee determined that the Applicant may submit an application to the Council and delegated authority to the Principal Licensing Officer to determine the application in accordance with all other requirements of the Taxi Policy, subject to the following conditions:-

- (1) that the vehicle licensed is for the sole use of the applicant and may not be transferred to another proprietor; and
- (2) that medical evidence of additional injuries is submitted to the Principal Licensing Officer.

51

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Members were referred to the Council's Taxi Policy which required that a minimum of 50% of all Hackney Carriages are wheelchair accessible vehicles (WAVs) before any application for a saloon ULEV would be considered by the Council. Currently 40% of Hackney Carriage Vehicles were WAVs.

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 Licensing Sub-Committee refuse the request for approval in principle as it did not consider there was sufficient evidence provided to depart from the Taxi Policy.

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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 Licensing Sub-Committee refuse the request for approval in principle as it did not consider there was sufficient evidence provided to depart from the Taxi Policy.

(The meeting commenced at 9.30 am and closed at 1.10 pm)

Chair