

LICENSING SUB-COMMITTEE

Thursday 28 September 2023

Present:

Councillors Asvachin, Sheridan and Vizard

Also Present:

Legal Advisor, Apprentice Solicitor, Senior Licensing Officer, Licensing Officer, Licensing Officer (GP) 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 1976

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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. He also 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, and 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 Licensing Officer (GP) 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 date of first registration was 28 November 2013 for a wheelchair accessible vehicle for six passengers.

The Applicant had submitted a vehicle MOT certificate dated 31 July 2023, with an expiry date of 24 August 2024 and a recorded mileage of 233,263. An independent mechanical inspection report, dated 11 August 2023, had also been submitted which raised an issue relating to the brakes. A copy of the insurance documentation until 15 December 2023 was provided. Additional photographs of

the vehicle had also been submitted and the vehicle was confirmed to have been plated by Exeter City Council since 4 September 2018. The vehicle had been inspected by a Licensing Officer, who had considered it to be in a good condition.

The Applicant, who was in attendance, spoke in support of the application, as well as responding to questions from Members and the Legal Advisors, providing further detail of the condition of the car, as well as how the vehicle which was very suitable for its purpose, was used. The Applicant also confirmed that there was a proactive approach to vehicle maintenance with regular servicing to ensure the valued service provided could continue.

RESOLVED that, having regard to the current Taxi Policy, the application for the renewal of a Private Hire Vehicle Licence be granted for two months, which would take the age of the vehicle to the Council's ten year renewal limit.

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APPLICATION TO RENEW HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE OVER 10 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. He set out the procedure for the hearing advising of the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976. He also 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, and 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 Licensing Officer (GP) 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 date of first registration was 28 November 2013 for a wheelchair accessible vehicle for eight passengers.

The Applicant had submitted a vehicle MOT certificate dated 3 July 2023, with an expiry date of 23 July 2024 and a recorded mileage of 227,907. An independent mechanical inspection report, dated 11 August 2023 had also been submitted. A copy of the insurance documentation until 15 December 2023 was provided. Additional photographs of the vehicle had also been submitted and the vehicle was confirmed to have been plated by Exeter City Council since 4 September 2018.

The Applicant, who was in attendance, spoke in support of the application, and confirmed that the vehicle was particularly suitable for its current use, and responded to questions from Members and the Legal Advisors. The number of advisories listed on the Vehicle inspection report were noted. The Applicant reiterated the proactive approach to vehicle maintenance resulting in a vehicle that was well used and serviceable for its purpose and the disappointment on the lack of flexibility of the Council's 10 year policy.

The Licensing Sub Committee considered the application and submissions presented from the Applicant, and did not consider that there was any evidence presented that justified a deviation from the Taxi Policy.

RESOLVED that having regard to the current Taxi Policy, the application for the

renewal of a Private Hire Vehicle licence be refused as the age of the vehicle was over the Council's 10 year renewal limit.

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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. He set out the procedure for the hearing advising of the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976. He also 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, and 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 Licensing Officer (GP) presented the application for a licenced driver to renew a Private Hire Vehicle licence in relation to a vehicle for eight passengers which was over 9 years old at the renewal date, being 9 years and 5 months. The date of the first registration was 30 April 2015. The Applicant had submitted a vehicle MOT certificate dated 1 August 2023, with an expiry date of 25 August 2024 and a recorded mileage of 146,983. An independent mechanical inspection report, dated 1 August 2023 had also been submitted. A copy of the insurance documentation which was valid until 23 July 2024 was provided. Additional photographs of the vehicle had also been submitted and the vehicle was confirmed to have been plated by Exeter City Council since 1 September 2017.

The Applicant, who was in attendance, spoke in support of the application, and confirmed that the vehicle was clean and tidy, and responded to questions from Members and the Legal Advisors.

RESOLVED that having regard to the current Taxi Policy, the application for the renewal of a Private Hire Vehicle licence be granted for 7 months, which would take the age of the vehicle to the Council's ten year renewal limit.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Licensing Officer confirmed that the Applicant had been invited to attend the Hearing, but was not in attendance to speak in support of the application. It was noted that the Applicant had also been invited to attend an earlier Hearing on the 23 August and had not attended.

RESOLVED that consideration of the application be deferred until a further meeting, with an invitation for the Applicant to attend. Should the Applicant not attend, the application for a Street Trading Consent would be deemed to be refused.

(The meeting commenced at 2.00 pm and closed at 3.55 pm)

Chair