

LICENSING SUB-COMMITTEE

Wednesday 25 February 2026

Present:

Councillors Snow, Banyard and Holland

Also Present:

Legal Services Manager, Apprentice Solicitor, Principal Licensing Officer. Licensing Officer (JB), Licensing Officer (GP), Democratic Services Officer (JM).

56

APPOINTMENT OF CHAIR

Councillor Banyard was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

58

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub-Committee Members and Officers. The Apprentice Solicitor set out the legislation and procedure for the hearing and the Applicant confirmed that the procedure was understood.

The Licensing Officer presented the report which advised the Applicant was seeking the approval of the Licensing Sub-Committee for a street trading consent applicable to a pizza van. The Applicant had applied for a 12-month licence to trade Monday to Sunday from 11:00 to 18:00.

The Applicant had submitted pictures of a similar vehicle to the proposed final vehicle and the battery to be used, and pictures of a similar sized vehicle in four different areas of the site.

The Applicant spoke in support of their application, making the following points:

- he had run the business with his wife for 10 years;
- the application had been modified to fit Council requirements;
- they had been compliant with their existing Mid Devon District Council licence for 10 years;
- they used local suppliers, which fit within the Council's policy;
- the lower scores on the scoring matrix had been addressed by working with the Licencing Department;
- there would be no issue manoeuvring onto and off of the pitch as much of their previous work had been at busy festivals; and
- they did not currently have their gas and electrical certificate but this would be received soon.

In response to questions from Members and Officers, the Applicant made the following comments:

- the vehicle in the photographs was a little larger than what would be used;
- safety measures were in place to ensure safety of the public when moving on and off of the pitch;

- they often catered at busy events so were used to manoeuvring around large groups of people;
- local suppliers were used for cheeses, meats, vegetables, and sausages, and they hoped to have a local supplier of gelato in the summer months;
- this van would be a replacement for one they already owned;
- village to village services would still continue in the evenings, as well as work at weddings;
- no other sites had been considered for the application;
- of the 4 locations proposed option 4 was the most practical for the position of the van;
- dark green was the preferred colour for the van;
- the oven took approximately an hour to get to temperature;
- the van would initially be run by the Applicant and his wife, but he was aware that any new staff needed to be approved by the Council; and
- he was used to working long hours so comfort breaks would not be an issue.

RESOLVED that the application be approved, subject to conditions set out in section 15 of Exeter City Council's Street Trading Policy 2024.

59

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

Following discussion, it was determined that the applications under items 5 and 6 on the agenda would involve the disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1, Schedule 12A of the Local Government Act 1972, so the meeting should move into Part 2 and the press and public be excluded from the meeting.

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 items 5 and 6 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.

TOWN POLICE CLAUSES ACT 1847

60

HEARING TO DETERMINE WHETHER A HOLDER OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE

The Chair introduced the Sub-Committee Members and Officers. The Licensed Driver had been referred to the Licensing Sub-Committee to determine if he was a fit and proper person to hold a taxi driver's licence.

The Apprentice Solicitor set out the procedure for the hearing and the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Apprentice Solicitor stated that the evidential burden was not on the Licensed Driver to prove he was fit and proper but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licenced Driver was no longer a fit and proper person.

The Licensing Officer presented their report to the Licensing Sub-Committee and shared video evidence provided by one of the witnesses.

The Licensed Driver and their Solicitor spoke in support of why the Licensed Driver

was a fit and proper person to hold a taxi drivers' licence and answered questions from Members, Licensing Officers, the Legal Advisors and Apprentice Solicitor.

RESOLVED that the Licensing Sub-Committee was not satisfied that the Licensed Driver was a fit and proper person, but the licence should remain in place subject to a period of suspension until such time appropriate training had taken place, with a minimum suspension period of 2 months to begin immediately. In addition, three penalty points would be issued in accordance with the Council's Taxi Policy. Written notice of the decision to suspend will be issued to the Licensed Driver within 5 working days.

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The Apprentice Solicitor stated that the evidential burden was not on the Licensed Driver to prove he was fit and proper but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licenced Driver was no longer a fit and proper person.

The Licensing Officer presented their report to the Licensing Sub-Committee.

The Licensed Driver spoke in support of why he was a fit and proper person to hold a taxi drivers' licence and answered questions from Members, Licensing Officers, the Legal Advisor and the Apprentice Solicitor.

RESOLVED that the Licensing Sub-Committee were satisfied that the Licensed Driver was a fit and proper person to hold a taxi driver's licence, but a written warning and 3 penalty points would be issued in accordance with the Council's Taxi Policy.

(The meeting commenced at 10.00 am and closed at 1.33 pm)

Chair