

REGULATORY & APPEALS COMMITTEE

MONDAY, 1 OCTOBER 2018

Present:

Councillors Dennis (Chairman), Austen, Evans, Prowse, Winsor (Reserve) and Wrigley (Reserve)

Members Attendance:

Councillor Mayne (observer)

Apologies:

Councillor Hockin

Officers in Attendance:

Marie Downey, Solicitor (items 167 - 171)

Justin Price-Jones, Solicitor

Hayley Carpenter, Licensing Officer

Sharon Sissons, Democratic Services Officer (Exeter City Council)

PC Mark Hogan and PC Chris Armes (for item 172)

167. MINUTES

The Minutes of the meeting held on 3 September 2018 were approved as a correct record and signed by the Chairman.

168. DECLARATIONS OF INTEREST

There were no declarations of interest.

169. APPLICATION FOR A PRIVATE HIRE VEHICLE EXTENSION

Consideration was given to an application to renew and extend a Private Hire Vehicle Licence, as set out in the report. The Committee adjourned to inspect the vehicle.

Section 43 of the Town Police Clauses Act 1847, provides that a Private Hire/ Hackney Carriage Vehicle Licence may only be in force for a maximum period of one year. The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old. However, the Council has discretion to continue to licence vehicles which are older than ten years, provided that, the Council is satisfied that such a vehicle is in a good condition and good state of repair, and that it passes the appropriate testing standard. The Council's Policy and statutory provisions reflect the

Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Applicant was in attendance and addressed the Committee to support the application.

It was noted that the vehicle, a Ford Tourneo, Vehicle Registration LV56 LWE had a current MOT and an advisory has been rectified. It was also noted that the current Private Hire Licence was due to expire on 31 October 2018 and not as stated in the report. The vehicle had been the subject of an inspection test and the vehicle met the required standard.

The Committee complimented the applicant on the excellent condition of the interior and exterior of the vehicle.

Resolved

Vehicle registration LV56 LWE is approved a 12 month Private Hire Vehicle Licence renewal and extension, in accordance with legislation, subject to a six monthly vehicle inspection test.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Officer, the Committee was satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore it was considered the vehicle was fit for use for the general public and paying customers.

170. APPLICATION FOR HACKNEY CARRIAGE VEHICLE EXTENSION

Consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence, as set out in the report. The Committee adjourned to inspect the vehicle.

Section 43 of the Town Police Clauses Act 1847, provides that a Private Hire/ Hackney Carriage Vehicle Licence may only be in force for a maximum period of one year. The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old. However, the Council has discretion to continue to licence vehicles which are older than ten years, provided that, the Council is satisfied that such a vehicle is in a good condition and good state of repair, and that it passes the appropriate testing standard. The Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Applicant was in attendance and addressed the Committee to support the application.

It was noted that the vehicle, a Ford Mondeo, Vehicle Registration MW56 FYE, had a current MOT, and had no advisories. The vehicle has also been the subject of an inspection test and the vehicle met the required standard. The Applicant confirmed that in addition, the seats has been appropriately cleaned and treated.

Resolved

Vehicle registration MW56 FYE is approved a 12 month Hackney Carriage Vehicle Licence renewal and extension, in accordance with legislation, subject to a six monthly vehicle inspection test.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Officer, the Committee was satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore it was considered the vehicle was fit for use for the general public and paying customers.

171. REQUEST TO LICENCE AN APPLICANT THAT DOES NOT MEET THE AGE POLICY

Consideration was given to a request for the Committee to exercise its discretion to depart from the Council's Hackney Carriage and Private Hire Policy, to grant a Private Hire Driver's Licence for an applicant who did not meet the age criteria. The Council's Hackney Carriage and Private Hire Policy included a stipulation that drivers were required to be over the age of 21 years. The applicant would be 21 years old in October 2019 and had held a clean driving licence for two years and four months.

The Licensing Officer advised that legislation did permit the Licensing Authority to grant, if minded to do so, a discretionary condition, so as to allow or the removal of the age restriction of 21 years for a Private Hire Driver applicant provided that Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 was adhered to which was 'that a person must have been authorised to drive a motor car for at least 12 months before the date of the application'. The Applicant complied with that requirement, and would still have to undergo the appropriate medical and Disclosure and Barring Service (DBS) check to ensure they were a fit and proper person to hold the Licence.

The Applicant's representative explained that the Applicant was unable to attend at the meeting, but as a representative of his employer he was able to address the Committee to support the application on his behalf. He explained the applicant's duties, nature of the work and rural location, which included a chauffeur service to transport guests of a luxury hotel. The applicant's role of the Private Hire Driver was specific to the applicant's place of work.

The Committee adjourned to deliberate the application.

Resolved

The application was granted, for a Private Hire Driver's Licence for a period of 12 months on the condition that the applicant's Private Hire Driving Licence was only valid, whilst they remained in their current employment and drove the vehicles owned by the hotel in the course of their duties. Furthermore, should the Applicant leave his current employment, the Private Hire Driver Licence would have to be surrendered.

Reason for Decision

Having read all written material, and listened to the representations by the Licensing Officer and the Applicant's representative and description of the business and the work that it entailed, the Committee agreed to remove the age restriction of 21 years of age in respect of this Applicant for a period of 12 months.

172. EXCLUSION OF THE PRESS AND PUBLIC

That under Section 100 (A) (4) of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the Act.

173. APPEAL AGAINST THE DECISION TO REFUSE A RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

The Chairman welcomed all those present and introduced the Committee.

The Solicitor set out the procedure for the Hearing. The Licensing Officer also introduced a report which detailed an appeal against the decision to refuse a renewal of a Hackney Carriage/Private Hire Drivers' Licence. The Committee carefully considered the report and the associated appendices together with the oral evidence provided at the Hearing.

The Applicant was also in attendance in support of the appeal.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Upon reconvening it was

Resolved

That the application in respect of a Hackney Carriage/Private Hire Licence be refused, as the Applicant was deemed not to be a fit a proper person.

Reason for the Decision

The Committee considered the evidence and unanimously decided there were no grounds to grant a Hackney Carriage/Private Hire Licence to the Applicant and no grounds to uphold the appeal.

Chairman