

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 18 JANUARY 2024

Present:

Councillors Hayes (Chair), Henderson and Peart

Officers in Attendance:

Licensing Manager

Legal Assistant

36. APOLOGIES

None.

37. DECLARATIONS OF INTEREST (IF ANY)

None.

38. MINUTES

The Minutes of the meetings held on 20 September 2023, 19 October 2023 and 22 November 2023 were unanimously approved as a correct record and signed by the Chair.

39. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 5 YEARS - DY63 KYA

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 06 December 2024, with advisories and that following a retest the vehicle passed its annual taxi inspection test on 22 December 2024 with advisories. The Applicant was in attendance and answered questions put to him by the sub-committee relating to the maintenance of the vehicle and the reasons that black tape had been put over the expiry date on the taxi plate and a dashboard warning light.

The Sub-Committee heard that the Applicant had not been using the vehicle at the time and was having some trouble with other taxi drivers so had covered the date and forgotten to remove this. The Sub-Committee emphasised that this tape must be removed, and the expiry date should not be covered in future.

The Sub-Committee noted that the dashboard warning light was an intermittent fault due to a computer error but requested that this was investigated and fixed. The Sub-Committee also noted that a replacement wing mirror had been ordered

and was due to be fitted but were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee grants the new Hackney Carriage Vehicle Licence as detailed in the report with the additional condition of 4 monthly taxi inspection tests due to the age of the vehicle and to monitor the listed advisories.

40. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - LP12 EDU

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in January 2025, with no advisories and that following a retest the vehicle passed its annual taxi inspection test on 10 January with advisories. The Applicant was in attendance and answered questions put to him by the sub-committee.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee grants the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition of 4 monthly taxi inspection tests due to the age of the vehicle and to monitor the advisories listed.

41. 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 during consideration of the following items on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1,2 and 5 of Part 1 of Schedule 12A of the Act

42. APPLICATION FOR HACKNEY CARRIAGE DRIVERS LICENCE

The Applicant attended the meeting in person with his representative, and he answered questions put to him by the Sub-Committee.

Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Hayes and seconded by Councillor Peart, and

RESOLVED that the application for a new Hackney Carriage Drivers Licence be granted under Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976. The

Sub-Committee felt that the information as set out in the Report, supported its view that the Applicant was a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the Report relating to the reasons that the application had been refused by the Licensing Manager. The Licensing Manager explained to the sub-committee that there has been a significant increase in hackney carriage driver applications from people living in Exeter. There were concerns the applicant would not be primarily working in the Teignbridge district and has applied to circumvent the requirement of applying to Exeter City Council. The Licensing Manager clarified that applicants do not have to live in the Teignbridge district, and this was not a reason for the refusal.

The Sub-Committee then heard from the applicant that he has a job lined up working for a Teignbridge company and hoped to move to the district in due course. The Licensing Manager has not verified this employment offer, but this would be done before a licence was issued. The applicant confirmed he does not have any experience driving taxi's but has a clean licence and wants to be able to provide for his family.

The Sub-Committee noted its overriding duty to the public, and of the importance of public safety and considered that, on balance, there was no cause to show that the Applicant should be refused a Licence.

The Sub-Committee noted the Licensing Manager's concerns that the applicant may not primarily work in the Teignbridge district however this was not deemed a strong enough reason to refuse the application. Should the applicant be found to be working outside of the district this would then need to be dealt with as any currently licensed driver would be.

Taking the Council's Licensing Policy into consideration, along with the applicant's submissions, the Sub-Committee considered given the circumstances of this case that it be reasonable to approve the application for a new Hackney Carriage Drivers Licence for three years as set out in the report once all necessary paperwork has been provided to the Licensing Team.

The Sub-Committee stressed that should there be any concerns raised about the applicant's conduct he could be bought back before the Sub-Committee.

43. APPLICATION FOR HACKNEY CARRIAGE DRIVERS LICENCE

The Applicants were not in attendance and did not send a representative.

Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Hayes and seconded by Councillor Peart, and

RESOLVED that the applications for a new Hackney Carriage Drivers Licence be granted under Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee felt that the information as set out in the Report, supported its view that the applicants were fit and proper persons to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the Report relating to the reasons that the applications has been refused by the Licensing Manager. The Licensing Manager

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explained to the sub-committee that there has been a significant increase in hackney carriage driver applications from people living in Exeter. There were concerns the applicants would not be primarily working in the Teignbridge district and that they have applied to circumvent the requirement of applying to Exeter City Council. The Licensing Manager clarified that applicants do not have to live in the Teignbridge district, and this was not a reason for the refusal.

The Sub-Committee noted its overriding duty to the public, and of the importance of public safety and considered that, on balance, there was no cause to show that the Applicants should be refused a Licence.

The Sub-Committee noted the Licensing Manager's concerns that the applicants may not primarily work in the Teignbridge district however this was not deemed a strong enough reason to refuse the application. Should the applicants be found to be working outside of the district this would then need to be dealt with as any currently licensed driver would be.

The Sub-Committee noted that the Applicants wanted to undertake school contracts and that these would have to be applied for in accordance with Devon County Council's policy with any other relevant licences obtained as needed.

Taking the Council's Licensing Policy into consideration, along with the applicant's written submissions, the Sub-Committee considered given the circumstances of this case that it be reasonable to approve the applications for a new Hackney Carriage Drivers Licence for three years as set out in the report once all necessary paperwork has been provided to the Licensing Team.

Cllr R Hayes
Chair