

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 20 MARCH 2025

Present:

Councillors Hayes (Chair), Henderson and Rollason (Vice-Chair)

Officers in Attendance:

Licensing Manager

Legal Assistant

158. APOLOGIES

None.

159. DECLARATIONS OF INTEREST (IF ANY)

None.

160. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - FM14 LZX,

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 September 2025, with no advisories. The vehicle passed its annual taxi inspection test on 12 March 2025 with one advisory. The Applicant was in attendance and confirmed that the vehicle is well maintained due to the mileage it does. It is due to be serviced in two weeks and the advisory will be fixed during this.

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 granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition that the vehicle undergoes six monthly vehicle tests to monitor the condition of the vehicle due to the age of the vehicle and the advisory listed.

161. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - FJ63 ZSZ,

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle failed its annual taxi inspection test and MOT on 18 March 2025 with three advisories and one major defect and is currently off the road. The Applicant was in attendance and confirmed that the vehicle has had one of the advisory fixed and the remaining ones are due to be fixed the following week. The

major defect was an oil leak and so not obvious to the applicant who will be hiring another vehicle whilst this one is off the road.

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

Decision

Accordingly, the Sub-Committee refused to grant the Hackney Carriage Vehicle Licence Extension as detailed in the report as it felt it could not grant a licence extension until the vehicle has a valid MOT and vehicle test as is required by the Council's Taxi and Private Hire Policy. The Applicant was invited to come back before the Sub-committee once he had attained a valid MOT and vehicle test.

162. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 5 YEARS - AF18 ZBJ

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 April 2025 with three advisories. The vehicle passed its taxi inspection test on 13 March 2025 with two advisories. The Applicant was in attendance and answered questions put to them by the Sub-Committee. It was confirmed that this was to be a spare vehicle and the advisories would be fixed and the service light is no longer on. The Applicant will show the Licensing Officer proof of this if required.

The Sub-Committee noted that the vehicle's age was over the Council's policy for licensing new vehicles but considered that it had met all requirements other than age. As such the Sub-Committee felt they should deviate from the Council's Taxi and Private Hire Policy in this particular circumstance as they 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 granted the new Hackney Carriage Vehicle Licence as detailed in the report with the additional condition that the vehicle undergoes six monthly vehicle tests to monitor the condition of the vehicle due to the age of the vehicle.

163. REQUEST FOR PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS - YTT 70

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 February 2026 with no advisories. The vehicle passed its taxi inspection test on 18 February 2025 with one advisory. The Applicant was in attendance and answered questions put to them by the Sub-Committee. It was confirmed that this vehicle was purchased over a new model as the engine is a better quality compared to the newer model and so should last longer and be more reliable. The Applicant confirmed that the chip in the windscreen was small, but it is due to be fixed.

The Sub-Committee noted that the vehicle's age was over the Council's policy for licensing new vehicles but considered that it had met all requirements other than age. As such the Sub-Committee felt they should deviate from the Council's Taxi and Private Hire Policy in this particular circumstance as they 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 granted the new Private Hire Vehicle Licence as detailed in the report with the additional condition that the vehicle undergoes six monthly vehicle tests to monitor the condition of the vehicle due to the age of the vehicle.

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

It was proposed by Cllr Hayes and seconded by Cllr Henderson that the meeting move into Part II for the following agenda item.

It was unanimously

RESOLVED: that the meeting move into Part II for the following agenda item.

165. APPLICATION FOR HACKNEY CARRIAGE DRIVERS LICENCE

The applicant attended the meeting in person and was supported by their agent. Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Rollason and seconded by Councillor Hayes, and

RESOLVED that the Hackney Carriage Drivers Licence be refused under Section 59 of the Local Government (Miscellaneous Provisions) Act 1976, in order to promote public safety due to the conduct of the Driver as set out in the Report. The Sub-Committee felt there was reasonable cause to support its view that the driver is not currently a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the Report and heard from the Licensing Manager that this was a new application, not a review of any previous decision. The Applicant had previously held a Hackney Carriage Driver's licence with Teignbridge District Council until February 2024, when this had been revoked following a review due to complaints about the driver's behaviour. The Licensing Manager confirmed there are no offences on the DBS check and that all relevant information had been included within the report.

The Applicant's agent spoke and referred to the reasons for the revocation of the Applicant's previous licence. Whilst the Applicant should have been aware of the need to use the meter at the time and should have listened to the Licensing Officers, he is now aware of the need for this to be engaged, even for jobs with a quoted price.

The Applicant then spoke and explained that the customer who had videoed him during the altercation was known for not paying and being drunk. The customer had previously refused to pay three times and so the Applicant had asked for the money upfront, this was not given and so the customer was refused. The customer then paid and when being driven by the Applicant was physically abusive, the Applicant did not know he was being videoed. The Applicant admitted he had made a mistake and got angry because of this abuse but this would not happen again if his licence was granted.

The Applicant's agent then continued and noted that whilst not a consideration to be taken into account, losing the licence had had a large impact on his finances and family. The Applicant has taken time since the licence revocation to consider the issues raised, had reflected on his attitude and is aware that the Licensing Authority should be listened to if unsure of the rules. The Applicant had been a taxi driver for 5 years and no longer works for the company. They have their own business and will also avoid working nights if the licence is granted in order to avoid confrontation.

In response to questions by the Sub-Committee as to what had changed since the revocation of the licence as it appeared there had been more than one conversation about the Licensing Authority's concerns, the Applicant explained that they did not think the rules had been explained properly by the Licensing Authority they had received nothing in writing following meetings about the concerns raised and had thought that these would be raised direct with the previous employer.

The Applicant stated they had received no formal warnings and the first they had known about the concerns was when they were told the previous licence would be reviewed at a Sub-Committee. When asked by the Sub-Committee whether they understood their rights and responsibilities as set out in law and the Council's Taxi and Private Hire Policy the Applicant's agent confirmed that a CCTV system had been fitted to the Applicant's vehicle and they had also had several discussions with the Applicant about their responsibilities and what is expected of a person in a position such as this.

The Committee thanked the driver for appearing before them and for answering their questions. However, all factors combined meant that the Sub-Committee did not consider that the driver was a fit and proper person to hold a licence.

The Sub-Committee were concerned that the Applicant had previously been driving for some years but had not appeared to realise the responsibilities of a taxi driver and was still relying on their agent to explain these. The Sub-Committee considered that driver behaviour is paramount and that it had not been an isolated incident but repeated incidents that had caused the previous licence to be revoked. The Sub-Committee noted that passage of time since revocation is a consideration but not the only one.

The Sub-Committee did not feel that the Applicant had shown any real evidence as to how they had changed since their licence was revoked other than being told by their agent how they should be behaving and the Sub-Committee did not feel they had received any proper assurances as to how incidents would be avoided in the future, especially as there had been a repeated pattern of behaviour.

The Sub-Committee did not feel comfortable granting a licence purely to give the Applicant a chance to show they had changed as this could potentially put members of the public at risk should an incident happen again. It appeared that the Applicant was relying purely on the passage of time to support their application and had not done any real work to improve on the behaviours that had led to the revocation of the previous licence.

Applying the test of whether Members of the Sub-Committee would be happy for a person they cared about or a vulnerable person to travel alone in a vehicle with the driver, it was concluded after significant deliberation that they would not. The Sub-Committee noted its overriding duty to the public, and of the importance of protecting the public and of public safety and considered that, on balance, there was cause to show that the driver was not a fit and proper person to hold a licence.

The Sub-Committee therefore considered given the circumstances of this case that it be reasonable and proportionate to refuse to grant the driver's application for a new Hackney Carriage Driver Licence at this time.

Cllr R Hayes
Chair