

**NORTH DEVON COUNCIL**

Minutes of a meeting of Licensing and Community Safety Sub Committee B held in the Barum Room - Brynsworthy on Friday, 24th September, 2021 at 10.00 am

PRESENT: Members:

Councillor York (Chair)

Councillor Gubb

Officers:

Solicitor and Licensing Officer and Corporate and Community Services Officer

**7. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Yabsley.

**8. DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

**9. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE REFERENCE NUMBER (PFNV006)**

Also present: The Applicant.

The Chair introduced herself as did the other sub-committee Member and Officers. The Chair outlined the nature of the hearing.

The Solicitor outlined the hearing process and explained that there were normally three members on the Sub-Committee but due to unforeseen circumstances there were only two present. The Applicant confirmed he was happy to proceed with only two Members present.

The Licensing Officer outlined his report (circulated previously) regarding an application for a Hackney Carriage vehicle licence, reference PFNV006. He explained to the Sub-Committee that the application had been received from the Applicant on 27 August 2021 and was in respect of a vehicle over five years old which did not meet the age criteria specifications of the North Devon Council's Hackney Carriage and Private Hire Licensing Policy of August 2016. He then referred to the relevant part of the policy stated at section 3.1 of the agenda, 7.9 Maximum Age of Vehicle. The Licensing Officer confirmed that the Applicant had

been working in Scotland where he was licensed, with this vehicle, as a driver before his move to Devon. The vehicle met all of the other vehicle specifications.

The Chair invited the Applicant to address the Sub-Committee.

The Applicant advised that he had recently moved from Scotland and that he had bought the vehicle in 2017 for work purposes and had been driving since 2012. There had been no work due to Covid but he hoped to start up driving again. He wouldn't exceed 200,000 miles in the vehicle and would get another car once he had reached that mileage reading.

The Chair requested to examine the vehicle.

RESOLVED, that it being 10.11 am the meeting be adjourned to enable the Sub-Committee to inspect the vehicle.

RESOLVED, that it being 10.17 am and the conclusion of the inspection the meeting be reconvened.

The Sub-Committee were in agreement that the car was well maintained and in a very good condition.

In reply to a question about the drop in mileage from September 2020 to July 2021 the Applicant confirmed this was down to lack of work due to the Covid-19 pandemic. He hoped to change his car after 200,000 miles which he expected would be in another two years. He had not gone out to buy this car, as he was already using it to work and wanted to carry on that work, he had jobs lined up, and this would enable him to save up to afford a new vehicle once he reached the 200,000 miles.

The Chair asked the Licensing Officer to sum up. He outlined the options available to the Sub-Committee when considering their decision.

The Chair invited the Applicant to sum up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the legal representative and the Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED, that everyone be re-admitted to the meeting.

The Chair requested that the Corporate and Community Services Officer read the proposed decision, which was voted upon and agreed.

RESOLVED that the application for a Hackney Carriage Vehicle Licence reference PFNV006, be granted.

In reaching its decision the Sub-Committee considered the following exceptional circumstances:

- 1) this application was seen as a transfer from one Authority to another
- 2) the car was in excellent condition
- 3) the vehicle was a hybrid car and so ecological which fulfilled North Devon Council's desire to be environmentally friendly
- 4) the Applicant had work lined up to do
- 5) the Applicant had already passed the fit and proper person test; and
- 6) the Applicant had a very responsible attitude planning for a future vehicle.

The Chair thanked the Applicant for attending.

**10. EXCLUSION OF PUBLIC AND PRESS RESTRICTION OF DOCUMENTS**

RESOLVED:

- a. That, under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involves the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 Schedule 12A of the Act (as amended from time to time), namely information relating to the financial business affairs of any particular person (including the authority holding that information); and
- b. That all documents and reports relating to the item be confirmed as "Not for Publication".

**11. REQUEST FOR THE EXCEPTION OF SIGNAGE ON A LICENSED PRIVATE HIRE VEHICLE**

Also present: the Applicant.

The Chair introduced herself as did the other Sub-Committee Member and Officers present. The Chair outlined the nature of the hearing.

The Applicant confirmed he was happy to proceed in the absence of a third Sub-Committee Member.

The Licensing Officer outlined a report (circulated previously), regarding the request for the Exception of Signage on a Licensed Private Hire vehicle. The Licensing Officer explained to the Sub-Committee that North Devon Council does not have a Policy for Executive type vehicles but that a request for such a policy was to be considered in the near future.

The Chair invited the Applicant to address the Sub-Committee who presented his case for the request to not display signage on his vehicle.

The Chair advised that she wished to examine the vehicle.

RESOLVED, that it being 10.52 am the meeting be adjourned to enable the Sub-Committee to inspect the vehicle.

RESOLVED, that it being 11.00 am and the conclusion of the inspection the meeting be reconvened.

Members of the Sub-Committee asked the Applicant questions.

The Licensing Officer summed up.

The Applicant summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the Solicitor and the Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED, that everyone be readmitted to the meeting.

The Chair requested that the Corporate and Community Services Officer read the proposed decision, which was voted on and agreed.

RESOLVED that the request for the exception of signage on a licensed Private Hire Vehicle be granted subject to the conditions listed in the report at 2.3 as follows:

- (a) The vehicle must have a higher standard of comfort and be equipped to a level higher than that of a 'standard' Private Hire Vehicle.
- (b) The vehicle must be in pristine condition with no visible defects, dents or blemishes to the external body work or internal trim and seating. Internal seating will usually be leather and the cabin air conditioned to maintain passenger comfort;
- (c) The type of work undertaken was 'executive' in nature. There must be demonstrable need for an exemption to apply rather than a one off contract.

The type of work that may be considered 'executive' includes:

- i) Corporate bookings to transport employees and clients on business related journeys
  - ii) Other journeys where the client specifically requires a vehicle without any Private Hire plates or signage on it at the time of booking
  - iii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a Private Hire vehicle;
- (d) The percentage of executive work undertaken by the vehicle must constitute 100%. An application to renew an exemption from the display of identity plate and windscreen sun strip must be accompanied by a copy (preferably electronic) of the relevant Private

Hire Operator records to evidence the nature of the work carried out over the previous licence period;

- (e) The repeater licence plate provided by the Authority will be fixed to the windscreen in front of the front passenger seat repeating on the interior of the vehicle the information contained on the external vehicle plate; and
- (f) The licensing plate identifying the Private Hire vehicle shall be kept in the boot at all times.

In reaching its decision the Sub-Committee gave the following reasons for departing from the North Devon Council's policy:

- 1) Following their inspection the Sub-Committee were satisfied that the vehicle was kept in a pristine condition and was extremely suitable for Private Hire
- 2) That pre-booked jobs would be undertaken at a fixed charge 'executive' rate plus mileage and that there was no interest in picking up random jobs
- 3) Private Hire Booking records must be maintained and access provided to the authority on request in accordance with North Devon Council's Hackney Carriage and Private Hire Licensing Policy
- 4) That the Applicant had researched his market and that such a market for this type of service existed
- 5) The Applicant was trained for VIP, forensic and health related persons/exclusive clientele and companion services
- 6) The Applicant had the new plates in the car and had confirmed they would be affixed
- 7) The Applicant had confirmed the repeater licence plate would be fixed to the windscreen

Chair

The meeting ended at 11.34 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.