

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing Sub-Committee A held at Barum Room - Brynsworthy Environment Centre on Monday, 17th December, 2018 at 10.00 am

PRESENT: Members:

Councillor Chesters (Chairman)

Councillors Campbell and J Cann

Officers:

Lead Licensing Officer (PF), Solicitor (DH) and Corporate and Community Services Officer (KJ).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIRMAN SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

None.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest declared.

4. TO AGREE THE AGENDA BETWEEN PART 'A' AND PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Agreed.

5. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE. (REFERENCE PFNV006).

Also present: the Applicant.

The Chair introduced herself, Members of the Sub-Committee, and Officers present and outlined the nature of the hearing.

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 in respect of a vehicle which did not meet the age criteria specifications of the North Devon District Council's Hackney Carriage and Private Licensing Policy of August 2016. He then referred to the relevant part of the policy stated under section 3.5 Maximum Age of Vehicle.

The Licensing Officer confirmed that the vehicle in question was a Volkswagen Touran Sport TDi which had been first registered on 28th May 2013 and was therefore over five and a half years old. Its mileage was 76,317 as at 12th October 2018 when the garage check was completed. The Licensing Officer confirmed that the Applicant had previously held a Hackney Carriage Vehicle Licence from 6th November 2017 until 5th November 2018. The application renewal had been submitted on 9th November 2018. He referred the Sub-Committee to appendix 1 of the report which was an email from the applicant explaining that he had accidentally forgotten to renew the Hackney Carriage Vehicle Licence due to the stress of dealing with a family member's illness.

The Chairman invited the applicant to address the Sub-Committee.

The Applicant advised that he had held a licence for five years, but had changed his vehicle in November 2017. His father-in-law had suffered a stroke prior to the applicant receiving a reminder letter from North Devon Council to renew his licence, so, during that stressful time, he had forgotten to renew it. He then realised he had missed the date and the Licensing Team advised him that he would be required to come before the Sub-Committee due to the age of his vehicle. The Applicant confirmed that he had ybrought the vehicle today and it was available for inspection.

The Chair noted that the applicant had missed the deadline to renew by four days only.

The Chair advised that she wished to examine the vehicle.

RESOLVED, that it being 10.14 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 agreed that the vehicle appeared to be in very good condition and was clean and tidy.

The Chair asked the Applicant to sum up.

The Applicant summed up. He confirmed that if his application was unsuccessful he would look to purchase a new vehicle in a couple of months' time.

The Licensing Officer summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members and the Legal representative 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 Chairman 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 had regard to the representations made by the Licensing Officer and Applicant who confirmed that he had held a Hackney Carriage Vehicle Licence for the vehicle from 6th November 2017 until 5th November 2018, but had accidentally forgotten to renew it due to personal family reasons. The Sub-Committee was also mindful that the vehicle only just failed to meet the specifications of paragraph 3.5 of the North Devon Council's Hackney Carriage and Private Hire Licensing Policy (of August 2016) insofar as it was only five and a half years old. The Sub-Committee inspected the vehicle and considered it to be in very good condition with relatively low mileage and generally fit for purpose as a Hackney Carriage Vehicle.

The Chair thanked the Applicant for his attendance.

6. NIL

Chairman

The meeting ended at 10.19 am