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North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

M. Mansell, BSc (Hons),
F.C.P.F.A.
Chief Executive.

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A will be held in the Barum Room - Brynsworthy Environment Centre on **MONDAY, 17TH DECEMBER, 2018 at 10.00 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

(NB: A pre-meeting for Members will be held in the Combe Room at Brynsworthy Environment Centre, Barnstaple at 11.15 a.m.)

Members of the Sub Committee: Councillor Chesters (Chairman)

 Councillors Campbell and J Cann

 Substitute Member: Councillor

AGENDA

1. Apologies for absence
2. Items brought forward which in the opinion of the Chairman should be considered by the meeting as a matter of urgency
3. Declarations of Interests
(Please complete the form provided at the meeting or telephone Corporate and Community Services to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary).
4. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)
5. Application for the grant of a Hackney Carriage Vehicle Licence. (Reference PFNV006). (Pages 1 - 6)
Report by the Lead Officer (attached).
6. Nil

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

NOTE: Pursuant to Part 3, Annexe 1, paragraph 2 of the Constitution, Members should note that:

"A Member appointed to a Committee or Sub-Committee who:

- (a) Arrives at a meeting during the consideration of an item; or*
- (b) Leaves a meeting at any time during the consideration of an item;*

Shall not:

- (i) propose or second any motion or amendment; or*
- (ii) cast a vote*

in relation to that item if the Committee or Sub-Committee (as the case may be):

- (c) Is sitting in a quasi-judicial capacity in relation to that item; or*
- (d) The item is an application submitted pursuant to the Planning Acts*

and, in such a case, the Member shall also leave the room if at any time the public and press are excluded in respect of that item."

Date Not Specified



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworth Environment Centre (BEC), the full address is: North Devon Council, PO Box 379, Barnstaple, Devon, EX32 2GR.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



**NORTH DEVON COUNCIL
REPORT TO LICENSING SUB-COMMITTEE
17th December 2018
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE
LICENCE**

Reference Number: (PFNV006)

REPORT BY THE LICENSING OFFICER

PART I

1. INTRODUCTION

- 1.1 This report concerns an application for Grant of a Hackney Carriage Vehicle Licence where the vehicle concerned does not meet the specifications of the North Devon District Council's Hackney Carriage and Private Hire Licensing Policy August 2016.

PART II

2. RECOMMENDATIONS

- 2.1 It is recommended that the Sub-Committee consider the application for the grant of a Hackney Carriage vehicle in light of the Council's policy.
- 2.2 If members are minded to grant a licence for the above vehicle then clear and cogent reasons must be given for departing from the Council's policy.

PART III

3. POLICY

- 3.1 The relevant parts of the North Devon District Council's Hackney Carriage & Private Hire Licensing Policy August 2016 states:

3.5 Maximum Age of Vehicle

Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a private hire licence is made when the vehicle in question is more than 5 years old, the application must be referred to the Licensing Sub-Committee for consideration.

The presumption is that licences will not be granted for vehicles over 5 years old, but each such application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant.

Agenda Item 5

4. CONSTITUTIONAL CONTEXT

- 4.1 This application is being referred by the Licensing Officer to the Licensing Sub-Committee under Part 3 paragraph 2(a) of the Council's Constitution as it represents a departure from the Council's policy statement.

5. REPORT

- 5.1 On the 9/11/18 an application for a Hackney Carriage Vehicle licence was received from Mr Andrew Baguley. The vehicle applied for is a Volkswagen Touran Sport TDI, with a date of first registration of 28/05/2013, and thus the vehicle WF13 UOH is in excess of five years old.
- 5.2 The vehicle concerned had done 76,317 miles on the 12/10/2018 when the garage check was completed.
- 5.3 The proposed vehicle meets all vehicle specifications.
- 5.4 In relation to the vehicle age, the vehicle concerned does not meet the requirement of paragraph 3.5 of the policy in that the vehicle is more than 5 years old and is in effect just 5 and a half years old.
- 5.5 For members information the vehicle concerned was previously licensed by North Devon Council as a Hackney Carriage Vehicle from 06/11/17 until 05/11/18 but our records identify that Mr Baguley did not renew his licence.
- 5.6 Members may wish to consider Mr Baguley's submission (Appendix1) that the previous Hackney Carriage Vehicle Licence was accidentally not renewed only for personal family reasons.

6. OPTIONS

- 6.1 Grant the licence
- 6.2 Refuse to grant the licence

7. RESOURCE IMPLICATIONS

- 7.1 There are no financial or human resource implications for the Council directly associated with this report, however should the Council refuse to grant the licence there may well be cost implications associated with any appeal that the vehicle proprietor may choose to make.

8. HUMAN RIGHTS

- 8.1 The provisions of the Human Rights Act have been taken into account in the preparation of this report.

9. STATEMENT OF INTERNAL ADVICE

- 9.1 Advice has been taken from the Council's Legal Services Unit in producing this report.

10. STATEMENT OF CONFIDENTIALITY

- 10.1 This report contains no confidential or exempt information under the provisions of Schedule 12A of the Local Government Act 1972 (as amended).

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The following background papers have been used in the preparation of this report:

- Local Government (Miscellaneous Provisions) Act 1982;
- North Devon Council Hackney Carriage & Private Hire Licensing Policy August 2016.
- Information provided as part of the application process from applicant.

*Phil Fitzsimons
Licensing Officer
04/12/2018*

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Shirley Loder

From:
Sent: 09 November 2018 20:27
To: Licensing
Subject: FAO Phill, From Andrew Baguley

Dear sir,

I have accidentally let my taxi vehicle license slip due to a family illness. I have been distracted since my father in law had a stroke due to the additional responsibilities me and my partner have undergone. I am asking you politely to help me get back to work as soon as possible. If there is anything I need to do to renew this license please ring me on 01271 I have kept my taxi in immaculate condition and I am ready to work as soon as you say I can.

Thank you, Andrew Baguley

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<http://www.claranet.co.uk>

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