

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing Sub-Committee B held at Barum Room - Brynsworthy Environment Centre on Wednesday, 6th February, 2019 at 2.00 pm

PRESENT: Members:

Councillor Barker (Chairman)

Councillors Gubb and Jones

Officers:

Licensing Service Lead, Solicitor and Licensing Officer

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTERESTS

There were no declarations of interest declared.

3. EXCLUSION OF PUBLIC AND PRESS RESTRICTION OF DOCUMENTS

RESOLVED that:

(a) That under Section 100A (4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following items as they involved the likely disclosure of exempt information as defined by Paragraph 3 Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

(b) That all documents and reports relating to the items be confirmed as "Not for Publication".

4. REQUEST FOR THE EXCEPTION OF SIGNAGE ON A LICENSED PRIVATE HIRE VEHICLE (REFERENCE NUMBER 047873)

Also present:

The Applicant and Applicant's representative

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

The Service Lead Licensing summarised his report and made corrections to two words in his recommendations, adding the word 'must' in paragraph 2 (c) and (e). He also confirmed that the date in paragraph 7.1 of his Report should read 13/07/18. The Service Lead Licensing displayed an example of an actual licence plate to the Sub-Committee.

RESOLVED, that it being 2.10 pm the meeting be adjourned to allow the Sub-Committee to inspect the vehicle.

RESOLVED, that it being 2.15 pm and the conclusion of the inspection the meeting be reconvened.

The Sub-Committee noted the low mileage of the vehicle (16, 261 miles), the car was three years old and in immaculate condition.

The applicant presented his case.

Members of the Sub-Committee questioned the Applicant.

The Service Lead Licensing Officer summed up.

In response to a question from the Solicitor the Service Lead Licensing Officer confirmed that the vehicle met the remainder of North Devon Council's policy for vehicle specifications and age.

The Applicant summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the Legal representative and Committee Clerk 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 committee clerk read out the proposed decision on which the Sub-Committee voted as follows:

RESOLVED that the application for a private hire vehicle licence exempt from North Devon Council's Hackney Carriage and Private Hire licensing policy (August 2016) requirements to display the rear Private hire vehicle identity plate and the sun-strip on the front windscreen (reference number 047873) be granted subject to the following conditions:

- (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 must be '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 (preferable 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 must 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.
 - (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 had regard to the representations made by the Service Lead Licensing Officer and applicant who confirmed that they wished to use the vehicle exclusively for executive work including the transportation of local managing directors. The Sub-Committee inspected the vehicle and considered it to be a high quality, luxury vehicle in pristine condition with low mileage. The Sub-

Committee was also mindful that the vehicle met the remainder of North Devon Council's vehicle specifications and vehicle age policy.

5. APPLICATION TO RENEW A HACKNEY CARRIAGE AND PRIVATE HIRE LICENSED DRIVER (REFERENCE PFDD005).

Also present:

The Applicant.

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

The Licensing Officer read out his report on the application to renew a Hackney Carriage and Private Hire Driver's Licence (reference number PFDD005) (circulated previously). The Licensing Officer confirmed that the applicant's Driver and Vehicle Licensing Agency (DVLA) licence had been reinstated.

The Applicant presented his case. The applicant explained how he had changed since the conviction and was taking part in a charity run raising funds for a charity in East Africa and explained he had learnt a lot of hard lessons and would not be returning to that lifestyle.

The Sub-Committee questioned the applicant.

In response to a question about his previous employment history the applicant explained that prior to driving a taxi he had struggled to find regular work but had worked as a window cleaner and in kitchens. When he began taxi driving in 2014 he discovered it was something he really loved doing. He confirmed his previous employer was supportive of him returning to work as a taxi driver but he did not have a letter of recommendation from them to support his application.

The Licensing Officer summed up.

The Applicant summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the Legal representative and Committee Clerk 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 to renew the hackney carriage and private hire driver's licence, (reference PFDD005), be refused.

The Sub-Committee was not satisfied that the applicant was a fit and proper person to hold a hackney carriage and private hire licence.

In reaching its decision the Sub-Committee had regard to the fact that the applicant took over three months to inform the Licensing Team that he had been convicted of an offence and had his driver's licence revoked by the DVLA (contrary to Section 13.3 and Appendix O of Section 3.1 of the North Devon Council's Hackney Carriage and Private Hire Licensing Policy, August 2016), which requires any person receiving a driving disqualification and any conviction for an offence to notify the Licensing Team in writing within seven days.

Furthermore the Sub-Committee had regard to Section 4.12 and Appendices H (3 (d) Drugs) and I of the North Devon Council's Hackney Carriage and Private Hire Policy (August 2016) and the fact that the offence had occurred within the last 12 months and so the applicant was unable to show a period of at least three years free of conviction to warrant an application being entertained by this authority.

Finally the drug offence and revocation of the driver's licence by the DVLA were considered to be relevant and serious enough to justify this decision not to renew the licences having regard to the fact that taxi drivers were required to transport vulnerable passengers.

Chairman

The meeting ended at 3.40 pm