

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **REGULATORY SUB COMMITTEE B** held on 2 October 2017 at 1.30 pm

### **Present Councillors**

Mrs F J Colthorpe,      D R Coren      and  
L D Taylor

### **Also Present**

**Officer(s):** Thomas Keating (Lead Licensing Officer), Jacqueline Taylor (Licensing Officer), Julia Stuckey (Member Services Officer) and Maria De Leburne (Solicitor)

## **1 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## **2 CHAIRMAN - ELECTION**

**RESOLVED** that Cllr L Taylor be elected Chairman of the Sub Committee for the meeting.

Cllr Taylor then took the Chair.

## **3 HEARING TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE**

Members of the Sub-Committee and officers introduced themselves.

Members of the Sub-Committee confirmed that they had no interests to declare and discussed whether to hold the hearing in public or in private. It was **AGREED** that the hearing be in public.

The Committee had before it an application for a Hackney Vehicle Licence.

The Licensing Officer outlined the contents of the report \* explaining that the Authority licenced both taxi drivers and their vehicles and it was important to remember that when issuing licences priority was to ensure public safety, that drivers remained fit and proper and that vehicles were suitable and remained suitable and safe.

The Authority had a Hackney Carriage and Private Hire Licensing policy which contained 5 key aims and objectives. The two which were most relevant in this instance were highlighted as;

- Vehicle safety, comfort and access
- Environmental Protection.

The officer explained that generally newer vehicles had fewer miles on the clock and had more safety features. Also newer vehicles tended to have better engine management systems and were more environmentally friendly. The policy also referred to the ages of vehicles when they were first licenced and from April 2014 it had been agreed, in conjunction with the trade, that all new vehicles would be no older than 5 years old, therefore currently all new vehicles would now meet a minimum of euro 5 standard.

The policy which had been adopted was flexible and whilst the Licensing team could not refuse to accept an application for a licence, any application which was received which did not meet the minimum standards of the policy had to be referred to a Regulatory Subcommittee for their consideration.

In addition to the policy the authority also had a statutory duty to protect air quality, under the local air quality management regime.

On 3<sup>rd</sup> July 2017 the applicant had submitted an application for a Hackney Vehicle licence. At the time of the application the vehicle was 16 years and 271 days over the rolling 5 year age limit as set out in the policy. The vehicle had first been registered in 1995 and at that time it met a Euro Standard 1. The vehicle would be 22 years old on 6<sup>th</sup> Oct 2017, however the officer understood that the vehicle had been modified to a Euro 3 standard in order for it to be used in London when the congestion charge was introduced in 2007.

The vehicle was a Carbodies Fairway Taxi, best described as a London Taxi. It was capable of carrying 5 passengers and was also wheelchair accessible. It had passed an MOT test and a taxi test so it did meet the Licenced Vehicle testing standards as set out in Appendix H of the policy.

Since the report was issued the applicant had provided an MOT exhaust emissions test and photographs of the modification to the vehicle which had taken place to meet the Euro 3 standards, these documents were tabled at the meeting.

The officer explained that having carefully considered the report, looking at the additional information, hearing from the applicant and viewing the vehicle the subcommittee would decide to either:

- grant a Hackney Vehicle Licence to the Carbodies fairway taxi or
- Refuse to grant the Hackney Vehicle licence to Carbodies fairway Taxi.

The Committee were reminded that they must give clear reasons for the decision and that this must be based on the individual merits of the application.

Members were asked to pay particular attention to:

- The current policy in place
- The case made by the applicant
- The type of vehicle, the condition of the vehicle and the relevant tests which it has passed
- The safety features of the vehicle
- the mileage of the vehicle
- the emissions standard of the vehicle

- The type of work that the vehicle will be carrying out.

The Committee took the opportunity to view the vehicle. The applicant was able to demonstrate the use of the swivel chair for easy access and the ramps and securing fixings for wheelchair users. The applicant explained that although the vehicle was a traditional London cab, the livery in which it was painted was that of a Madrid cab. The applicant informed the Subcommittee that the only difference with regard to safety features from his cab and a modern equivalent was a front air bag. The applicant pointed out the modifications that had taken place to improve emissions and started the engine in order to demonstrate this.

Discussion took place regarding:

- The applicants company which maintained his own taxis as well as a number of other small companies;
- The applicant had restored the vehicle as a hobby but now needed to licence it due to problems with insurance, as this vehicle type could not be insured with a standard domestic insurance;
- Modifications that had been made;
- The applicant wanted to be able to use the cab for events such as his daughter's prom or weddings, neither of which required regulation, but he needed to be able to insure it.

The Sub Committee withdrew to consider its decision.

The Sub Committee **RESOLVED** to grant a Hackney Carriage Vehicle Licence having given consideration to:

- The applicants competency in the maintenance of vehicles;
- The emissions tests that had been passed as part of the MOT;
- Modifications that had been made to the vehicle;
- Wheel chair accessibility;
- The planned usage of the vehicle;
- Safety features were the same as in a modern vehicle except for the driver's airbag.

(Proposed by the Chairman)

Note: - Report \* previously circulated.

#### 4 **HEARING TO DETERMINE WHETHER OR NOT AN APPLICANT IS FIT AND PROPER TO HOLD A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE**

Members of the Sub-Committee and officers introduced themselves.

Members of the Committee confirmed that they had no interests to declare and discussed whether to hold the hearing in public or in private. Given the specific information contained within the report it was:

**RESOLVED** that under Section 100A (4) of the local Government Act 1972, the public be excluded from the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

The Licensing Officer outlined the contents of the report, explaining the responsibility of the Local Authority and informing the applicant where the Hackney Carriage and Private Hire Policy could be found if required. He explained the key aims and objectives of the hearing, being the protection of public health and the prevention of crime and disorder.

The Sub Committee withdrew to consider additional information that had not been available to them prior to the meeting.

On their return the Sub Committee put questions to the applicant.

Having reflected on the evidence presented to them the Sub Committee **RESOLVED** to grant the application for a Hackney Carriage/Private Hire Driver Licence;

Reasons for this were:

- The applicant now had a more stable home and work life;
- The offences within the report were a considerable time ago and refusal was usually only for a 3 year period following an offence;
- The applicant had undertaken further training;
- The licence application was only for a period of one year;
- The applicant had the support of his employer.

(Proposed by the Chairman)

Note: Report \* previously circulated.

(The meeting ended at 4.30 pm)

**CHAIRMAN**