

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 24 January 2023**

#### **Attendance list at end of document**

The meeting started at 9.30 am and ended at 10.15 am

#### **16 Minutes of the previous meeting**

The minutes of the previous meeting held on 24 August 2022 were agreed and signed as a correct record.

#### **17 Declarations of interest**

Minute 20. Determination of an application to license a private hire vehicle which does not comply with the Council's vehicle age policy.

Councillor Alan Dent, Affects Non-registerable Interest, The Councillor had viewed the vehicle immediately prior to the start of the meeting.

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Councillor Tom Wright, Affects Non-registerable Interest, The Councillor had viewed the vehicle immediately prior to the start of the meeting.

#### **18 Matters of urgency**

There were no matters of urgency.

#### **19 Confidential/exempt items**

There were no confidential / exempt items.

#### **20 Determination of an application to license a private hire vehicle which does not comply with the Council's vehicle age policy**

The Sub Committee considered the application to license a private hire vehicle which does not comply with the Council's vehicle age policy.

The Chair introduced the members of the Sub Committee.

The applicant, Mr Barry Gardner of Bay Travel, was present.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Mrs Emily Westlake, outlined the application to license the vehicle, registration number KN17 MXE, as set out in the report. The applicant had confirmed that the current mileage is 50,069 miles as at today's date. The Licensing Officer confirmed that the applicant had provided all relevant documentation as required.

In response to a question regarding the age ranges of the 36 private hire vehicles currently licensed by EDDC, as shown on page 11 of the report, the Licensing Officer

advised that the Council's policy does not exclude a vehicle which is over 5 years old if the vehicle was initially licensed by the Council at less than 5 years of age and is continually licensed thereafter. Once a vehicle has been licensed, it is easier for the Council to monitor its condition due to the ongoing checks required under the policy. Vehicles over 8 years old are checked every 6 months.

Members discussed the definition of 'exceptional' with regard to a vehicle's condition and noted that older vehicles may be considered to be in excellent condition due to improvements in vehicle manufacture over the years. The Legal Advisor advised that it is for Members to decide whether the vehicle is exceptional.

Members also noted that this was the second request submitted by the applicant to license a vehicle which does not comply with the Council's vehicle age policy.

The applicant had no questions for the Licensing Officer but made the point that vehicles over 5 years old are more affordable for his business. In response the Licensing Officer advised that the Licensing & Enforcement Committee had recently agreed to extend the age range in the policy from 4 to 5 years, following the temporary measures in place during the covid-19 pandemic. The policy is currently under review and a full public consultation will be held in due course.

The applicant addressed the Sub Committee and made the following points:

- The applicant operates a high class business with good reviews and business includes hospital trips, conveying VIPs and driving clients to and from Heathrow airport.
- The business had been under severe pressure during the pandemic with little Government help.
- The vehicle for which a licence is sought had been bought to replace an existing vehicle and, due to its age, was a more affordable option for the business as it recovers from the effects of the pandemic.
- The vehicle is a grade 1 vehicle according to British Car Auctions standards and has a full history.

The Members, the Legal Advisor, the Licensing Officers and the applicant left the Council Chamber to view the vehicle. The Democratic Services Officer left the Chamber.

Members returned to the Chamber to make their decision.

The Legal Advisor, the Licensing Officers, the Democratic Services Officer and the applicant returned to the Chamber.

The Sub Committee was minded to grant the vehicle licence. The vehicle is in a showroom condition and the applicant has supplied a comprehensive set of paperwork to demonstrate the exceptional mechanical condition of the vehicle.

Members also noted the exceptional circumstances that the vehicle operator had outlined to them to be able to continue to operate and run his business.

### **Attendance List**

#### **Councillors present:**

K Bloxham (Chair)

A Dent

T Wright

**Councillors also present (for some or all the meeting)**

None

**Officers in attendance:**

Sarah Jenkins, Democratic Services Officer

Giles Salter, Solicitor

Phillippa Norsworthy, Licensing Officer

Emily Westlake, Licensing Officer

**Councillor apologies:**

None

Chair .....

Date: .....