

Agenda for Licensing and Enforcement Sub Committee

Wednesday, 11th December, 2024, 9.30 am



Members of Licensing and Enforcement Sub Committee

Councillors: O Davey, R Jefferies and J Whibley (Chair)

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Monday, 2 December 2024

- 1 Minutes of the previous meeting held on 6 November 2024 (Pages 3 - 6)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Matters of urgency
Information on [matters of urgency](#) is available online
- 5 Confidential/exempt items
To agree any items to be dealt with after the public (including the Press) have been excluded. There are three items which officers recommend should be dealt with in this way.
- 6 Exclusion of press and public
The Vice Chair to move the following:
“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out in the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

Part B

- 7 Hackney carriage driver suitability (Pages 7 - 46)
- 8 Private hire driver suitability (Pages 47 - 96)
- 9 Application for consent to street trade (Pages 97 - 135)

Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 6 November 2024

Attendance list at end of document

The meeting started at 9.30 am and ended at 11.56 am

9 Minutes of the previous meeting held on 26 June 2024

The minutes of the meeting held on 26 June 2024 were approved and signed as a correct record.

10 Declarations of interest

There were no declarations of interest.

11 Matters of urgency

There were no matters of urgency.

12 Confidential/exempt items

There were three items which officers recommended should be dealt with in Part B at minute numbers 15, 16 and 17.

13 Determination of an application to licence a private hire vehicle which does not comply with the Council's vehicle age policy

The purpose of the item was to determine an application for the grant of a private hire vehicle licence for a vehicle which does not meet the vehicle age criteria set out in the Council's Hackney Carriage and Private Hire Licensing Policy.

The Chair introduced the members of the Sub Committee and the officers in attendance.

The applicant, Mr Borkowski, was present.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Lee Staples, introduced the report which set out full details of the vehicle and the documentation provided by the applicant.

In response to a question from the Sub Committee, the Licensing Officer confirmed that the documentation provided by the applicant confirmed that the vehicle was in good mechanical order.

The applicant had no questions for the Licensing Officer.

The applicant then addressed the Sub Committee and advised that the vehicle had been licensed prior to the covid pandemic, but that he had not renewed the licence following the pandemic. The applicant had recently taken the vehicle out of storage, and, as business was now increasing, he wished to apply to license the vehicle again.

In response to questions from the Sub Committee, the applicant confirmed that the vehicle would be used for special occasions and long-distance private hire. The applicant noted that the AA and RAC would not provide a Comprehensive Test Report or Essential Plus Report respectively, and he had instead provided an industry standard service carried out by an RAC approved garage. The Licensing Officer advised that the AA and RAC reports were usually provided to give assurance for people buying vehicles, whereas the applicant already owned the vehicle. The applicant considered that the vehicle was exceptional due to its condition and low mileage.

Members of the Sub Committee viewed the vehicle.

Following the vehicle inspection, the Sub Committee had no further questions and the applicant had nothing further to add to the application.

The Chair thanked the applicant for attending and advised that the Sub Committee would retire to make its decision which would be notified in writing within five working days.

The applicant left the meeting.

14 **Exclusion of press and public**

RESOLVED:

That under Section 100 (A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out in the agenda, is likely to be disclosed and on balance the public interest is in discussing these items in private session (Part B).

15 **Hackney carriage driver suitability**

The purpose of the item was to determine whether the person named in the officer's report is a fit and proper person to continue to be licensed as a Hackney carriage driver following a substantiated complaint.

The Chair introduced the members of the Sub Committee and the officers in attendance.

The driver, accompanied by a support person, and the complainant were in attendance.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Lee Staples, presented the report and outlined the background to the case.

In response to a question from the Sub Committee, the Licensing Officer confirmed that the driver worked across East Devon and Exeter.

The driver and the complainant had no questions for the Licensing Officer.

The driver addressed the Sub Committee regarding the case and answered questions from Members.

The complainant addressed the Sub Committee and outlined the circumstances which led to the complaint.

The Chair thanked the driver and the complainant for attending and advised that the Sub Committee would retire to make its decision which would be notified in writing within five working days.

The driver, the support person and the complainant left the meeting.

16 **Hackney carriage driver suitability**

The purpose of the item was to determine whether the person named in the report is a fit and proper person to continue to be licensed as a Hackney carriage driver, having not provided information required by the Council's Hackney Carriage and Vehicle Licensing Policy.

The driver did not attend the hearing.

The Licensing Manager, Phillippa Norsworthy, presented the report and advised that Licensing Officers had made numerous attempts, by various methods, to contact the driver, but had not received any response. It was noted that any change of contact details must be notified to the Council as per the Hackney Carriage and Vehicle Licensing Policy.

Members of the Sub Committee had no questions on the report.

17 **Hackney carriage vehicle licence suitability**

The purpose of the item was to determine whether two Hackney carriage vehicles, operated by the same vehicle proprietor and licensed by East Devon District Council, are fit to continue to be licensed.

The vehicle proprietor did not attend the Hearing.

The Licensing Officer, Emily Westlake, presented the report. Since writing the report, the Licensing Officer had successfully made contact with the vehicle proprietor on one occasion only and had advised them to attend the Sub Committee.

The Licensing Officer responded to questions from members of the Sub Committee and advised the options available to the Sub Committee.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)

Y Levine

J Whibley (Chair)

Councillors also present (for some or all the meeting)

S Westerman

Officers in attendance:

Sarah Jenkins, Democratic Services Officer

Phillippa Norsworthy, Licensing Manager

Giles Salter, Solicitor

Lee Staples, Licensing Officer

Emily Westlake, Licensing Officer

Councillor apologies:

None

Chair

Date:

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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