

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 26th February 2018
REPORT OF: Licensing Officer
SUBJECT: Hackney Vehicle Licence WD12 HNM

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

1. PURPOSE

The Committee is asked to consider a request to grant a Hackney Carriage vehicle licence for a vehicle that is over 5 years old.

2. BACKGROUND

Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that 'A vehicle being presented for initial licensing is required to be under 5 years old at first registration.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage licence and Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a private hire licence may only be in force for a maximum of 1 year.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use.

3. REQUEST

The vehicle WD12 HNM Mercedes Benz the applicant wishes the Committee to consider was first registered on 15th March 2012 and will be 5 years and 11 months old, if granted. The vehicle has previously been licensed by Teignbridge Council from 29th March 2012 until 8th June 2017 as a private hire vehicle. The private hire licence was transferred onto a new Mercedes by the applicant in June 2017. In hind sight the proprietor should have plated the new Mercedes as a new private hire and made application to change this vehicle to a Hackney Carriage. The licence having lapsed

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means that the vehicle no longer meets the Council Policy for renewal and the request is to licence as a new vehicle, therefore does not meet the Councils Policy of being under 5 years old.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

4. CONSULTATION

The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

“The Committee decided that vehicles being presented for initial licensing must be under five years old.”

3. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates' Court.

4. OPTIONS

1. Committee is asked to grant or refuse this application

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	H Carpenter
Background Papers (For Part I reports only)	<i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N