

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Petheridge

DATE: 10th September 2019
REPORT OF: Licensing Officer
SUBJECT: Hackney Carriage Vehicle Extension

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 and extend a Hackney Carriage licence for a further 12 months (Appendix A).

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 five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.

All vehicle licences are issued annually.

Section 43 of the Town Police Clauses Act 1847 provides that:

'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so

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licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.

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 by members of the public.

The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

Request – The vehicle, a Volkswagen Sharan , registration LN55 YNM, the applicant wishes the Committee to consider, was first registered on 1st September 2005 will be 14 years and 1 month old, if granted. The current Hackney Carriage licence expires on 24th September 2019. The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

The vehicle has a current MOT that expires on the 28th July 2020 and has no advisories (Appendix B).

At the time of writing this report the vehicle has not been booked in for the vehicle inspection at the Forde Road Depot, results will be reported at Committee.

The vehicle has been inspected by a licensing officer. The rear offside door fabric is slightly worn and there is a small stone chip on the front number plate otherwise the vehicle is in good condition inside and out.

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.

3. 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.'

With regard to subsequent licensing, the Committee decided that 'a vehicle is required to be under ten years old with the exception of purpose built cabs.' However, the Committee decided that 'the Council had discretion to continue to licence Hackney

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Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing.' The Committee did not consider it appropriate to introduce an upper age or mileage limit.

Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.'

4. FINANCIAL IMPLICATIONS

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

5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	Hayley Carpenter
Background Papers (For Part I reports only)	Relevant legislation and Hackney Carriage and Private Hire Regulations 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
Appendices attached:	Appendix A - Request Appendix B - MOT History