

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 30 October 2017
REPORT OF: LICENSING OFFICER
SUBJECT: HACKNEY CARRIAGE VEHICLE EXTENSION
PART I

RECOMMENDATION

The Regulatory & Appeals Committee is asked to determine this request.

1. PURPOSE

The Committee is asked to consider a request to renew and extend a Hackney Carriage vehicle 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 subsequent licensing is required to be under ten years old with the exception of purpose built cabs'.

All vehicle licences are issued annually. Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage vehicle licence may be in force for a maximum of one year. Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that such conditions as are considered reasonably necessary may be attached to the grant of a hackney carriage licence.

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 Toyota Avensis, FL56 ETK which the applicant wishes the Committee to consider was first registered on 13th October 2006 and will be 11 years and 18 days old, if granted. The current Hackney Carriage licence

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expires on 31st October 2017. The vehicle, now being more than 10 years old, no longer meets the Council's licensing Policy and the application therefore needs to be considered by the committee.

The current MOT expires on the 28th September 2018 and had 5 advisories.

- 1) Front brake disc worn, pitted or scored but not seriously weakened
- 2) ~~Nearside front tyre worn close to the legal limit on 2.5 mm~~
- 3) ~~Offside front tyre worn close to legal limit on 2.5 mm~~
- 4) Nearside front anti roll bar link bent
- 5) Oil leak

The two front tyres have been replaced.

The vehicle passed a taxi test on 10th October 2017 but there is a faulty wire on the off side headlamp causing it to cut out. There were four advisories, Nearside anti –roll bar link bent, high level brake light in operable, not a lot of hand brake travel left and slight oil leak from engine area

The vehicle has been inspected by a licensing officer and is in excellent condition outside and very good condition inside. There is a minor scuff on the nearside rear bumper and the drivers' seat is showing signs of wear.

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.

The applicant has completed and signed the application renewal form stating that the vehicle will be used as a Hackney Carriage vehicle within the District of Teignbridge.

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 should be under ten years old with the exception of purpose built cabs. However the Committee decided that the Council could exercise discretion to continue to licence Hackney 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.”

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The Local Government (Miscellaneous Provisions) Act 1976 allows for a District Council to request that a vehicle is presented for inspection up to three times in any 12 month period.

4. FINANCIAL IMPLICATIONS

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

5. OPTIONS

1. Grant the request, with or without the condition set out in 5.3 of the policy
2. Refuse the request.
3. If the Committee resolve to license the vehicle, the 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

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| Wards affected | All |
| Contact for any more information | H Carpenter |
| Background Papers (For Part I reports only) | 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: | A: Request for extension B: Application Form |