

## REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

**DATE:** 27 November 2017  
**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 from to renew and extend a Hackney Carriage vehicle licence for a further 12 months.

#### 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*

## TEIGNBRIDGE DISTRICT COUNCIL

*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 48(4)(c) of the Local Government (Miscellaneous Provisions) Act 1976 states that '*(4) Every licence granted under this section shall— (c) remain in force for such period not being longer than one year as the district council may specify in the licence*'.

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 Skoda Octavia WG07 YBY, which the applicant wishes the Committee to consider was first registered on 3 August 2007 and will be 10 years and 4 months old, if granted. The current Hackney Carriage licence expires on 1 December 2017. 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 3 December 2017 and had two advisories.

- 1) Shock absorber has a light misting of oil nsf
- 2) Shock absorber has a light misting of oil osf

The vehicle taxi test had not yet been booked at the time of writing this report, details will be submitted at the hearing.

The vehicle has been inspected by a licensing officer and is in good condition outside and very good condition inside. There are a few stone chips that require touching in and a chip on the bumper OSR. There are a few minor scuffs on the bumpers.

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 requested if the licence is granted, it is changed to a private hire licence.

## **TEIGNBRIDGE DISTRICT COUNCIL**

### **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.”

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**

## TEIGNBRIDGE DISTRICT COUNCIL

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