

TEIGNBRIDGE DISTRICT COUNCIL
REGULATORY AND APPEALS COMMITTEE

4 MARCH 2020

PART I

Report Title	Application for Private Hire Vehicle Extension for further 12 months
Purpose	For the Committee to consider the application, including this report, representations made by the proprietor of the vehicle and the vehicle and to determine whether the vehicle is fit for purpose and should be issued with an extended licensing plate.
Applicant	
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
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Appendices / Background Papers	A: Request for extension B: MOT history

1. RELEVANT POLICY AND LAW

- 1.1 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'.

- 1.2 All vehicle licences are issued annually.

- 1.3 Section 48(4)(c) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

'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'.

- 1.4 Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.'

- 1.5 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.
- 1.6 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."

- 1.7 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."

- 1.8 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.'

- 1.9 In summary, the Committee is required to ensure that Public Safety is not compromised by the granting of an extension of the licence. If it is satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

2. APPLICATION DETAILS

- 2.1 The vehicle, an Audi A4S TDI, registration YR58 MJX which the applicant wishes the Committee to consider, was first registered on 24 October 2008 and will be 11 years and 5 months old, if granted. The vehicle had its first extension on 25 February 2019. The current Private Hire licence expires on 1 March 2020. The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.
- 2.2 The vehicle has an MOT with two advisories that expires on the 1 March 2020.
- 2.3 The vehicle is booked for its annual inspection at the Depot on 2 March 2020, details will be available to Committee members at the hearing.
- 2.4 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. CONSULTATIONS

- 3.1 **Licensing Officer:** If the Committee resolves to license the vehicle, the Report Authority recommends a condition requiring the vehicle to have six or four monthly vehicle inspections be imposed. The vehicle has been inspected by a Licensing Officer on 4 February 2020.
- 3.2 The vehicle is in very good condition both inside and out. There are a few very small chips to the paintwork on the bonnet, front bumper and the nearside front wheel arch, all of which are booked to be repaired. The vehicle was granted a small plate on 31 January 2013 when the registration was CB02 ALE. The registration changed to the current number in 2016. As the small plate was granted on a different registration, Committee are asked to re-affirm the granting of the small plate.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL

The Committee are required only to ensure that Public Safety is not compromised by the granting of an extension of the licence. If they are satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.