

# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING & REGULATORY SUB COMMITTEE

3 August 2021

### PART I

<b>Report Title</b>	<b>Request for Private Hire Vehicle Licence extension N422 MAM Dennis Sabre Red</b>
<b>Purpose</b>	For the Committee to consider the request, including this report, representations made by the proprietor of the vehicle and to determine whether the vehicle is fit for purpose and should be issued with a licensed plate.
<b>Applicant</b>	Mr Kevin Lynn
<b>Options</b>	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
<b>Report Author</b>	Andrea Furness, Licensing Manager licensing@teignbridge.gov.uk
<b>Appendices / Background Papers</b>	A: Request for extension B: MOT history C: Photographs

#### 1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 12 March 1996  
Age of vehicle, if granted - 25 years and 5 months  
Private Hire licence expires – 17 August 2021

The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

- 1.2 MOT expires – 30 July 2021 with no advisories.  
1.3 Vehicle inspection booked for 29 July 2021

1.4 **Licensing Officer:**

Vehicle inspected and noted that externally it is in good condition for its age with a few minor marks. Internally it is in excellent condition.

Recommendation:

If the Committee resolves to license the vehicle, a condition requiring the vehicle to have six or four monthly vehicle inspections be imposed, along with the following conditions:

1. Whenever passengers are entering or leaving the vehicle, physical assistance is provided to ensure their safety – this condition will not apply during Covid-19
2. Adequate signage is clearly displayed within the passenger cab advising passengers not to disembark without assistance from the operator – this condition will not apply during Covid-19
3. Additional steps are carried and used to facilitate access and egress from the vehicle.
4. The blue light and siren on the vehicle are permanently disabled.
5. All external lockers on the vehicle are secured to prevent access by passengers or the public.
6. External ladders and hose should be permanently fixed to the vehicle in such a manner that they cannot be removed.
7. No person involved in the vehicle wear any clothing that might lead a member of the public to believe that the person is an officer of the Fire Service.
8. All components/spare used should be bonifide and meet manufacturer's specification.
9. Plastic glasses only to be used in the vehicle.
10. A copy of the full risk assessment is forwarded to the Council prior to the issue of the licence.

As this is a specialist vehicle, it will always be over 10 years old therefore once licensed, as long as compliance with the renewal requirements, this vehicle should not be required to be put before committee each year.

## **2. RELEVANT POLICY AND LAW**

- 2.1 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 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'.*

- 2.2 By their nature stretch limousines and specialist vehicles are unlikely to comply with the foregoing age criteria for first registration or subsequent licensing. With these types of vehicles applications can be made to the Council to licence vehicles which do not meet the age criteria. Such applications will not be determined by the officers of the Council's Licensing Section but by the Regulatory and Appeals Committee, who will need to be satisfied that the vehicle meets the strict vehicle testing standard, the recommended conditions and requirements which are set out in the Policy.

2.3 All vehicle licences are issued annually.

2.4 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall not grant a licence unless they are satisfied that the vehicle is:

- ◆ suitable in size type and design for use as a private hire vehicle;
- ◆ not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- ◆ in a suitable mechanical condition;
- ◆ safe;
- ◆ comfortable; and
- ◆ that there is in force in relation to the use of the vehicle a policy of insurance.

The conditions and requirements required to be satisfied by the Council to ensure the safety of the public and regulated standards for private hire operators, and to ensure that a minimum standard is set in the licensing of these particular vehicles was adopted by the Regulatory and Appeals Committee 26 March 2008.

2.5 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.'*

2.4 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.'*

2.5 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.

2.6 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.”

2.8 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.’*

2.9 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.

### **3. FINANCIAL IMPLICATIONS**

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

### **4. LEGAL**

The Committee are required only to ensure that Public Safety is not compromised by the granting of the licence. If they are satisfied that safety is reasonably assured they may grant the licence.