

# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING AND REGULATORY SUB COMMITTEE

**9 November 2021**

### PART I

<b>Report Title</b>	<b>Request for Private Hire Vehicle Licence for Vehicle over 5 years. LJ15 OHU Silver Toyota Prius</b>
<b>Purpose</b>	For the Committee to consider the request included in this report, representations made by the owner 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 Yilmaz
<b>Options</b>	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
<b>Report Author</b>	Debbie Rosenveldt, Licensing Officer <a href="mailto:licensing@teignbridge.gov.uk">licensing@teignbridge.gov.uk</a>
<b>Appendices / Background Papers</b>	A: Request for licence B: MOT history C: Photographs

#### 1. APPLICATION DETAILS

1.1 Vehicle first registered – 1 July 2015

Age of vehicle, if granted - 6 years and 4 months

The vehicle does not meet the Council's licensing policy as it is over 5 years of age.

1.2 MOT expires – 30 June 2022 with no advisories.

1.3 Vehicle inspection booked at the Depot on 29 October – details to be provided at the hearing.

#### 1.4 Licensing Officer:

At the time of writing this report the vehicle had not been inspected by a licensing officer. The vehicle was first registered in Japan in July 2015 making it now over 5 years of age at the time of this application.

Recommendation:

Committee to consider the granting of a licence on the information provided.

## **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 initial licensing is required to be under five years old at first registration.*

- 2.2 All vehicle licences are issued annually.

- 2.3 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'.*

- 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 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."*

- 2.7 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.'*

### **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 for a maximum of 12 months or such shorter period as they see as appropriate.