

# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING AND REGULATORY COMMITTEE

28 July 2022

### PART I

<b>Report Title</b>	<b>Application for Stretched Limousine and the request for a small plate EXZ 299, Mercedes-Benz, S350, Silver</b>
<b>Purpose</b>	For the Committee to consider the request, included in this report, representations made by the proprietor of the vehicle to determine whether the vehicle is fit for purpose and should be issued with a small plate.
<b>Applicant</b>	Mr Kevin Lynn
<b>Options</b>	The Committee may: a. Grant the application and request, with or without conditions; or b. Refuse the application and request.
<b>Report Author</b>	Mrs Andrea Furness licensing@teignbridge.gov.uk
<b>Appendices / Background Papers</b>	A: Request for licence and small plate B: MOT history C: Photographs

#### 1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 20 April 2011  
Age of vehicle, if granted - 11 years and 3 months

The vehicle does not meet the Council's licensing policy.

- 1.2 MOT expires – 12 July 2023 with no advisories.

- 1.3 Vehicle inspection took place at Churley Road, Ashburton on 13 July 2022 with no advisories.

1.4 **Licensing Officer:**

Vehicle inspected - At the time of writing this report the vehicle had not been inspected by a licensing officer. The applicant has supplied the photographs.

Recommendation:

If the Committee resolves to license the vehicle, a condition requiring the vehicle to have six or four monthly vehicle inspections be imposed and grant the request for the small plate.

## 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.*

*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'.*

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.

- 2.2 All vehicle licences are issued annually.

- 2.3 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.

- 2.4 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.'*

- 2.5 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.'*

- 2.6 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.

- 2.7 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.'*

- 2.8 Section 48 (6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that

*'Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.'*

- 2.9 The Council's requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, at paragraph 9.4 on page 30.

#### *'9.4 Licence Plates*

*The licensing plate identifying the vehicle as Hackney Carriage or Private Hire shall be securely fixed to the outside rear of the vehicle in a position as approved by the Council whilst the vehicle is being used for hire purposes and shall be kept fully visible and legible at all times.*

*A vehicle identification badge shall be fixed to the front windscreen above or below the tax disc, in a position that meets current MOT regulations. The badge*

*will display the plate number, vehicle model, registration and number of passengers on the front face with the Council's details and plate number on the rear.'*

2.10 The applicant has requested replacement of the traditional size plate with the smaller plate. The reason for the request is because the vehicle is to be used for private executive use only. The company operator already has a fleet of vehicles with small plates. It has been requested that the vehicle is available for viewing at the hearing, should the committee wish to do so.

2.11 Small plates have previously been granted to this operator for specialist vehicles including a Chrysler, Jaguar, Lincoln and a London Taxi.

### **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 an extension of the licence. If they are satisfied that safety is reasonably assured they may grant the licence.