

# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING AND REGULATORY SUB COMMITTEE

22 September 2022

### PART I

<b>Report Title</b>	<b>Request for Hackney Carriage Vehicle over 5 years.</b> RO15 YWL, Mercedes, C220 Sport
<b>Purpose</b>	For the Committee to consider the request included in 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 M Kekilli
<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: Applicant request B: MOT history C: Photographs

#### 1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 29 April 2015  
Age of vehicle, if granted – 7 years and 5 months

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

- 1.2 MOT expires – 20 April 2023 with the following advisories.  
Repair as soon as possible (Minor defects)
- Windscreen wiper blade defect (both)
- Monitor and repair if necessary (advisories)
- Driver's view items removed from drivers view prior to test
  - Brake disc worn, pitted or scored, but not seriously weakened Front (Both sides)
  - Brake disc worn, pitted or scored, but not seriously weakened Rear (Both sides)
  - Tyre worn close to legal limit/worn on edge Nearside Rear (2.6mm)
- 1.3 Vehicle inspection was booked at the Depot on 1 September 2022 but applicant did not attend. Details of inspection will be provided at the hearing.

#### 1.4 **Licensing Assistant:**

Vehicle checked – 12 July 2022

Recommendation: The interior and exterior of the vehicle clean and well maintained, other than the following: passenger wing mirror was taped, scratches on rear bumper and alloy wheels scratched.

## 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 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 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*

### 2.4 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'.*

### 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 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.'*

- 2.8 In summary, the Committee is required to ensure that Public Safety is not compromised by the granting 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.

### **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.