

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 25th March 2019
REPORT OF: Licensing Officer
SUBJECT: Hackney Carriage Vehicle Extension

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

1. PURPOSE

The Committee is asked to consider a request to grant and extend a Hackney Carriage licence for a further 12 months (Appendix A).

2. BACKGROUND

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'.

All vehicle licences are issued annually.

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

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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

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'.

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.

Request – The vehicle, a Ford S-Max, registration BD57 ZHN, the applicant wishes the Committee to consider, was first registered on 30th November 2007 will be 11 years old and 3 months old, if granted. The current Hackney Carriage licence expired on 5th March 2019.

The current MOT expires 7th March 2020 and had 5 advisories (Appendix A). The vehicle is being fitted with four new wheels and new tyres will be fitted at the same time.

The vehicle passed a vehicle inspection at the Forde Road Depot on 12th March 2019.

The vehicle has been inspected by the licensing officer and is in excellent condition outside and good condition inside.

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. CONSULTATION

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.'

With regard to subsequent licensing, the Committee decided that 'a vehicle is required to be under ten years old with the exception of purpose built cabs.' However, the Committee decided that 'the Council had 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

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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.

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.’

4. FINANCIAL IMPLICATIONS

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

5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	H Carpenter
Background Papers (For Part I reports only)	<i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	Appendix A – MOT History