

TEIGNBRIDGE DISTRICT COUNCIL
REGULATORY AND APPEALS COMMITTEE

28 JANUARY 2020

PART I

Report Title	Hackney Carriage Vehicle Extension
Purpose of Report	The Committee is asked to consider a request to renew and extend a Hackney Carriage vehicle licence for a further 12 months
Recommendation(s)	The Committee RESOLVES to: (1) To grant; or (2) Refuse
Financial Implications	Standard paragraph in this report – see 3.1 of report Email: andrea.furness@teignbridge.gov.uk
Legal Implications	As stated in 3.2 of report Email: andrea.furness@teignbridge.gov.uk
Risk Assessment	Implications should a vehicle be approved that is not fit for use for the public. Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
Environmental/ Climate Change Implications	N/A
Report Author	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
Portfolio Holder	Waste Management & Environmental Health - Alistair Dewhirst
Appendices / Background Papers	A: MOT history <ul style="list-style-type: none"> • Relevant legislation and Hackney Carriage and Private Hire Regulations • Hackney Carriage and Private Hire Licensing Policy

1. INTRODUCTION / 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 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.

1.1 REQUEST

The vehicle, an Alfa Romeo 159 registration WN08 LSJ which the applicant wishes the Committee to consider, was first registered on 28 March 2008 and will be 12 years if granted. The current Hackney Carriage licence expires on 17 February 2020. The vehicle will no longer meet the Council's licensing policy as it is now more than 10 years old.

The vehicle has a current MOT that expires on the 28 March 2020 with no advisories and is taxed until 1 April 2020.

The vehicle has been inspected by a Licensing Officer on 10 January 2020. Apart from a small paint chip below the rear number plate the vehicle is in excellent condition both inside and out. Since 2016 the vehicle has passed its MOT without any advisories.

The vehicle is booked for its annual inspection at the Depot on 23 January 2020, details will be available to Committee members at the hearing.

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.

1.2 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 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.”

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. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Financial

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

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

3.3 Risks

Implications should a vehicle be approved that is not fit for use for the public.

3.4 Environmental/Climate Change Impact

4. ALTERNATIVE 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.

5. CONCLUSION

Having taken into consideration all the details in this report, the representation made by the proprietor of the vehicle and having had sight of the vehicle, the Committee consider this vehicle to be issued with a plate that would indicate this vehicle has been deemed fit for purpose by Teignbridge District Council. The Committee to decide which option above to approve.