

TEIGNBRIDGE DISTRICT COUNCIL
REGULATORY AND APPEALS COMMITTEE

19 AUGUST 2020

PART I

Report Title	Application for New Private Hire Vehicle over 5 years.
Purpose	For the Committee to consider the application, including this report, representations made by the proprietor of the vehicle and the vehicle, that exceeds minimum age limit set out in the Hackney Carriage and Private Hire Licensing Policy for the first grant of a licence and to determine whether the vehicle is fit for purpose and should be issued with a licence plate.
Applicant	
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
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Appendices / Background Papers	A: Inspection sheet (circulated separately) B: Photographs of vehicle C: MOT history D: Licensing Manager memo (circulated separately)

1. RELEVANT POLICY AND LAW

- 1.1 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.

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.'

- 1.2 All vehicle licences are issued annually.

- 1.3 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.'

- 1.4 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.'

- 1.5 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.

- 1.6 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."

- 1.7 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."

- 1.8 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.'

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

2. APPLICATION DETAILS

- 2.1 The vehicle, a pink Mercedes Sprinter, registration P999 LMO which the applicant wishes the Committee to consider was first registered on 29 September 2010 and will be 9 years and 11 months old, if granted. The vehicle was granted a temporary licence by the Licensing Manager until it could be presented at committee – see Annex E.
- 2.2 The vehicle has a current MOT with one advisory that expires on 12 July 2021 – see Annex C.
- 2.3 The vehicle had its initial inspection at Churley Road Garage, Ashburton on 13 July 2020 – see Appendix A.
- 2.4 As this is a virtual committee hearing, the applicant will not be presenting the vehicle at Forde House.

3. CONSULTATIONS

- 3.1 The Licensing Manager has viewed the vehicle and noted that it is in excellent condition - see Annex B for photographs.
- 3.2 If the Committee resolves to license the vehicle, the Licensing Authority recommends a condition requiring the vehicle to have six or four monthly vehicle inspections be imposed along with the following conditions:
 - 1. Whenever passengers are entering or leaving the vehicle, physical assistance is provided to ensure their safety. – this condition will not apply during Covid-19
 - 2. Adequate signage is clearly displayed within the passenger cab advising passengers not to disembark without assistance from the operator.
 - 3. Additional steps are carried and used to facilitate access and egress from the vehicle.
 - 4. All components/spare used should be boni fide and meet manufacturer's specification.
 - 5. Plastic glasses only to be used in the vehicle
 - 6. A copy of the full risk assessment is forwarded to the Council prior to the issue of the licence.

4. FINANCIAL IMPLICATIONS

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

5. 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.