

REGULATORY & APPEALS COMMITTEE

DATE: 28 November 2016
REPORT OF: Licensing Manager
SUBJECT: Hackney Vehicle Licence

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 a Hackney Carriage vehicle licence for a vehicle that is over 5 years old.

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'.

All vehicle licences are issued annually and 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 48 (4)(c) of the Local Government (Miscellaneous Provisions) Act 1976 states that *'(4) Every licence granted under this section shall— (c) remain in force*

TEIGNBRIDGE DISTRICT COUNCIL

for such period not being longer than one year as the district council may specify in the licence’.

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.

The vehicle LN61 RWU Vauxhall Vivaro the applicant wishes the Committee to consider was first registered on 28 September 2011 and will be 5 years and 3 months old, if granted. The previous Hackney Carriage licence expired on 22 June 2016 having been licensed for one year. The licence having lapsed means that the vehicle no longer meets the Council Policy for renewal and the request is to licence as a new vehicle and therefore does not meet the Councils Policy of being under 5 years old.

The vehicle has a current MOT which expires 5 October 2017 and has one advisory in relation to inner surface of both rear disc corroded. 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.

The vehicle has also been booked for a vehicle test at Teignbridge Depot on 9 November 2016 and the results will be reported to the committee.

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 should be under ten years old with the exception of purpose built cabs.

4. FINANCIAL IMPLICATIONS

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

5. OPTIONS

The Committee is asked to consider this request and decide whether this request should be granted or refused.

Andrea Furness
Licensing Manager

TEIGNBRIDGE DISTRICT COUNCIL

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