

## REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Anna Klinkenberg

**DATE:** 26 April 2016  
**REPORT OF:** Licensing Officer  
**SUBJECT:** Hackney Carriage Vehicle Extension

### PART I

#### RECOMMENDATION

**The Regulatory & Appeals Committee is asked to determine this request.**

#### 1. PURPOSE

The Committee is asked to consider a request from Mr Freestone to renew and extend a Hackney Carriage vehicle 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 subsequent licensing is required to be under ten years old with the exception of purpose built cabs'.

All vehicle licences are issued annually. Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage vehicle licence may be in force for a maximum of one year. Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that such conditions as are considered reasonably necessary may be attached to the grant of a hackney carriage 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 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 A** –The vehicle, a Ford Galaxy EJ05 AYT, which the applicant wishes the Committee to consider was first registered on 17<sup>th</sup> May 2005 and will be 10 years and 11 months old, if granted. The current Hackney Carriage licence expires on 24th

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April 2016. The vehicle, now being more than 10 years old, no longer meets the Council's licensing Policy and the application therefore needs to be considered by the committee.

The vehicle has a current MOT which expires 4 April 2017 with no advisories.

The vehicle has been inspected by a licensing officer and the exterior and interior are in good condition for the year, a few minor scratches to the paintwork and scratches to the alloys. The vehicle is booked for a taxi inspection at the depot on 13<sup>th</sup> April 2016 and details will be presented 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.

### **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. 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."

The Local Government (Miscellaneous Provisions) Act 1976 allows for a District Council to request that a vehicle is presented for inspection up to three times in any 12 month period.

### **4. FINANCIAL IMPLICATIONS**

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

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### 5. OPTIONS

1. Grant the request, with or without the condition set out in 5.2 or refuse the request..
2. If the Committee resolve to license the vehicle, the 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**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	H Carpenter
<b>Background Papers (For Part I reports only)</b>	Hackney Carriage and Private Hire Licensing Policy
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	A: Request for extension