

## 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 Mrs Rees 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 Mondeo BG54 BTO, which the applicant wishes the Committee to consider was first registered on 3<sup>rd</sup> November 2004 and will be 11 years and 5 months old, if granted. The current Hackney Carriage licence expires

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9th 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 26<sup>th</sup> November 2016 with advisories that have been addressed and have not come up during the taxi test.

The vehicle has been inspected by a licensing officer and the exterior and interior are in good condition. The vehicle has passed a taxi inspection at the depot with one comment regarding an oil leak which has been rectified. 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 Mrs Rees 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

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Newtake  
Newton Abbot  
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4<sup>th</sup> April 2016

**Formal request for Hackney Licence extension**

**Reg: BG54 BTO (2004)**

**Licence H103**

Dear Committee

The Hackney Licence for my vehicle is due to expire on the 9<sup>th</sup> April 2016. The vehicle, registered in 2004, was granted extended service last year. I would like to formerly ask for your approval again to extend the period of Hackney eligibility for my vehicle.

**My reasons to continue with this vehicle last year were:**

My vehicle is maintained to a high standard by my husband, at Buyrite Tyres Ltd. Last year it had a major overhaul of the diesel injection system at considerable cost; this resulted in restoration of the superb performance from when the vehicle was younger so much so that we had confidence to further invest in some replacement interior parts. The vehicles interior & exterior appearance is good and clean.

My business is changing and it is possible that I will require a different type of vehicle in the future however I cannot be sure of requirements yet. Some time with my present vehicle would be beneficial to see me through until the future is clearer.

**My reasons for wishing to continue with this vehicle again are:**

Mainly working the day time I struggled to maintain customer levels, sadly many of my elderly regular passengers have passed away and rank work is shared thinly. I have altered my work hours to include some evenings and for the last 2 months have been happier with my takings. I would like to see if I can improve my earnings as the year progresses before I invest in a new car.

As last year, my vehicle is regularly serviced and maintained to a high standard. The interior and exterior appearance remains good and clean.

Thank you for your time and consideration of my request.

Yours Sincerely