

REPORT TO LICENSING (SUB) COMMITTEE

Time and Date of Hearing: 15 SEPTEMBER 2017 PART 1 Matter

Report of: Environmental Health and Licensing Manager

Type of Application: RENEWAL of a licence relating to a Private Hire vehicle over 8 years old.

Legislation: Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

Ward Application Refers to:

Not Applicable

Applicant: Mr Celestin NDE

Premises Address: Not Applicable

1. What is the report about?

- 1.1 An application has been received from Mr Celestin NDE, a licensed taxi driver seeking permission for the renewal of a private hire vehicle licence for a vehicle which is over 8 years old at the renewal date. This is a matter that cannot be dealt with under delegated powers.

2. Are there any representations?

- 2.1 There is no provision in the legislation for anyone to submit representations relating to this kind of application.

3. Report details:

- 3.1 The vehicle is a Toyota Prius registration number BD08 LHP. The vehicle has been licensed as a private hire vehicle since 23 August 2010. The date of the vehicle's registration is 9 May 2008 making the vehicle over 9 years old at the renewal date and therefore cannot be dealt with under delegated powers.

The vehicle is used as a Private Hire vehicle for Apple Central Cars, Exeter.

The existing policy in place regarding the renewal of private hire vehicles over 8 years old can be found at Appendix M Private Hire Licensing – Vehicle Specifications, M4, extracted from *(Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators) November 2016. Exeter City Council.*

I would draw your attention to the following extract from the policy.

'Vehicles presented for renewal that are more than 8 years old will be referred to the licensing sub-committee for determination'.

- 3.2 The recorded mileage of the vehicle at the time of the last MOT (22 August 2017) was 256498 miles. The MOT is attached as a supporting document. You will note that the MOT has five advisories. The vehicle was inspected by an independent vehicle inspector on 22 August 2017 and the report is attached as a supporting document. The vehicle was inspected by a Licensing Officer on 24 August 2017 and appeared to be in a satisfactory condition. Photographs are attached of the bodywork and the interior of the vehicle as supporting documents.

4. What are the legal aspects?

- 4.1 Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') states that a district council may on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied-

a) that the vehicle is-

- i) suitable in type, size and design for use as a private hire vehicle;
- ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- iii) in a suitable mechanical condition;
- iv) safe; and
- v) comfortable;

b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licence are granted by the council.

- 4.2 Under Section 48(4)(c) of the Act the Licensing Sub-Committee may grant a licence for a maximum period of 12 months or such shorter period as they see as appropriate.
- 4.3 Any person aggrieved by a refusal of the Licensing Sub-Committee to grant a vehicle licence under Section 48 of the Act may appeal to the Magistrates Court within 21 days of receiving written notice of the refusal.

5. Recommendations:

- 5.1 The Licensing Sub-Committee are asked to determine the application having regard to current policy.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

N.B THIS IS NOT PART OF THE REPORT

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE / DRIVERS LICENCES

You are invited to appear before the Licensing Sub-Committee to speak in support of your application. A legal or other adviser may accompany you but may not appear instead of you.

Your Application

Depending on the circumstances, your application may be heard in part two of the Committee meeting procedures from which members of the public and press are excluded. You will be notified in advance if your application will be a part two matter, if you have not been advised of this, the hearing will be in the Public domain.

You or your adviser would be expected to respond to an officer's verbal introduction outlining the above report. You or your adviser may be asked questions and may be invited to ask questions if appropriate.

At the end of the hearing you will be asked to withdraw and the Committee will reach a decision. On conclusion of the decision making process you will then be recalled and the decision announced.