

REPORT TO LICENSING (SUB) COMMITTEE

Time and Date of Hearing: 25th SEPTEMBER 2017 PART 1 Matter

Report of: Environmental Health and Licensing Manager

Type of Application: GRANT of a licence relating to a Private Hire vehicle over 4 years old.

Legislation: Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

Ward Application Refers to:

Not Applicable

Applicant: Muhammed Sami

Premises Address: Not Applicable

1. What is the report about?

1.1 An application has been received from Mr Muhammed SAMI a licensed taxi driver seeking permission for the grant of a private hire vehicle licence for a vehicle which is over 4 years old at initial licensing. 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 Mercedes E220 registration mark HD61 MXV and seats 4 passengers. The vehicle was first registered on 1st January 2012 and was licenced in Exeter as a private hire vehicle until 7th September this year when the licence expired. As the licence expired before it could be renewed, this matter has been referred to a Licensing Sub-committee for determination as a new private hire vehicle application.

3.2 With respect to renewal of licence plates the policy states: *Should the licence fail to be renewed on or before the expiry date shown on the licence and on the plate, the licence will lapse. There is no provision for any extension of time after the expiry date and the plate must be returned to the Council forthwith.*

3.3 In relation to the maximum age of private hire vehicles the policy further states that: *A licensing officer has delegated powers to issue vehicle licences to vehicles that are less than three years old at the time of first licensing and up to nine years old at renewal before they are considered too old.*

3.4 As the vehicle is between 5 and 6 years old the following paragraph from the policy would also be applicable: *Additionally a first licence may be issued to a vehicle that is more than three but less than four years old provided a report into the mechanical fitness of the vehicle has been undertaken. An application for the grant of a first private hire vehicle licence, where the vehicle in question is more than 4 years old, shall not be granted. However the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if*

they feel that their particular circumstances justify a deviation from the existing Policies.

3.5 The recorded mileage of the vehicle at the time of the last MOT (16th August 2017) was 157403 miles. The MOT is attached to the report. An independent mechanical inspection report has been requested for the vehicle, but this had not been returned by the time of writing. A copy of the report will be circulated prior to the hearing date.

4. What are the legal aspects?

4.1 The Licensing Sub-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.

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.