

REPORT TO LICENSING (SUB) COMMITTEE

Date of Hearing: 30th July 2018

Report of: Environmental Health and Licensing Manager.

Type of Application: GRANT of a licence relating to a Private Hire vehicle over 4/9/10 years old.

Legislation: Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847

Applicant: Richard Lee

1. What is the report about?

- 1.1 An application has been received from the Applicant, a licensed taxi driver seeking permission for the grant of a private hire vehicle licence for a vehicle which is over 4 years old. This is a matter that cannot be dealt with under delegated powers.

2. Background

- 2.1 The vehicle that is being presented for licensing as a Private Hire Vehicle (PHV) is a 6 passenger Vauxhall Zafira with a registration date of 1st November 2013 making the vehicle over 4 years old. The vehicle previously held a private hire vehicle licence with Exeter City Council, but the plate was not renewed upon its expiry in February this year and as such has been treated as a new vehicle application.

3. Report details:

- 3.1 The vehicle is a Vauxhall Zafira registration SW63 FYO. The vehicle has a current MOT certificate dated 5th July 2018. The mileage recorded at the MOT was 99,198 miles. The MOT certificate is attached as Appendix A. In addition to the MOT certificate an independent mechanical inspection report has been submitted, this is dated 18th July 2018 and is attached as Appendix B. The applicant presented the vehicle to the Licensing officer for inspection on 18th July 2018 and was considered to be in good condition. Photos of the vehicle are attached as Appendix C.
- 3.2 The Licensing Sub-Committee must have regard to the Council's the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy')
- 3.3 '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'.

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.
- 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 will be announced.