

## **REPORT TO LICENSING (SUB) COMMITTEE:**

<b>Date of Hearing:</b>	15 March 2019
<b>Report of:</b>	Environmental Health and Licensing Manager.
<b>Type of Application:</b>	RENEWAL of a licence relating to a Private Hire vehicle over 10 years old.
<b>Legislation:</b>	Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847.
<b>Applicant:</b>	Mr Delowar Qurashi.

### **1. WHAT IS THE REPORT ABOUT?**

- 1.1 An application has been received from the Applicant for the renewal of a vehicle which, at the time of writing this report, is over 10 years old.
- 1.2 The current annual licence for the vehicle was due to expire on 3 March 2019. However, a temporary 11 day licence has been issued to the Applicant, to allow for the Licensing Sub-Committee to meet to consider this application. This in accordance with Clause M4 of Appendix M of the Council's 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).
- 1.3 Since this application cannot be dealt with under officer delegated powers, it has been referred to the Licensing Sub-Committee for consideration.

### **2. REPORT DETAILS:**

- 2.1 Members will note from the Application Form (Appendix A) that the vehicle concerned is a Toyota Prius (registration ML58 XFM), capable of carrying 4 passengers. The vehicle was originally registered on 1 December 2008, making it over 10 years and 3 months at the original renewal date (3 March 2019) and the date of the Licensing Sub-Committee (15 March 2019).
- 2.2 Attached, in addition to the Application Form are evidence of the vehicle's MOT status, proof of insurance V5 documentation and mechanical inspection report (Appendix B), as well as photographs taken of the vehicle by the Council's Licensing Officers (Appendix C).
- 2.3 The Applicant contends that, although the vehicle may be over 10 years old, it is in such a good condition that it can, and should continue to, be used, and licensed by the Council, as a private hire vehicle. The Applicant may attend the Licensing Sub-Committee in person in support of their Application and highlight further why they consider the Application should be granted.

### **3. WHAT DOES THE TAXI POLICY STATE?**

- 3.1 The Licensing Sub-Committee must have regard to the Council's Taxi Policy, in particular, Clause M4 of Appendix M, which states that *“vehicles presented for renewal that are more 10 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... 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 set date and the plate must be returned to the Council forthwith”*.
- 3.2 Since the responsibility for determining this application lies with the Licensing Sub-Committee, it is entirely their decision whether to grant the application or not. However, the Sub-Committee must be satisfied that the vehicle is fit for purpose and meets the legal principles outlined in Section 4.1 below.
- 3.4 Members should be aware that, if the Licensing Sub-Committee were to grant the Application and the Applicant were to reapply in twelve months' time to renew the vehicle again, the procedure in Section 3.1 of this Report (above) would apply. Therefore, the Licensing Sub-Committee would have oversight over any potential further renewal of the vehicle. It is not clear, however, whether the Applicant (if successful with this current application) would look to this vehicle on 3 March 2020, by which time the vehicle would be over 11 years old.

#### **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 twelve 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.