

REPORT TO LICENSING (SUB) COMMITTEE

Date of Hearing: 12.10.2018

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

Applicant: Shahin Mahmood

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 car which is over 4 years old.

2. Background

- 2.1 This is a matter that cannot be dealt with under delegated powers and to grant a licence for a vehicle over 4 years old is a departure from 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').

3. Report details:

- 3.1 The vehicle is a Volkswagen Touran **RV14 DCZ** and was registered on 26.3.2014 therefore is over 4 years of age. The mileage was 95,068 as of 26.9.2018 as set out in the Vehicle Inspection Report attached at Appendix 5 Also attached is the application form at Appendix 1, the V5 Registration document at Appendix 2, the MOT certificate dated 26.9.2018 at Appendix 3 and at Appendix 4 the Insurance document and Appendix. Photographs of the vehicle are attached at Appendix 6.
- 3.2 The Licensing Sub-Committee must have regard to 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').
- 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:

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