
Subject: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES

Meeting and Date: Regulatory Committee – 12 April 2016

Report of: Licensing Team Leader

Classification: Unrestricted

Purpose of the report: To consider an application to grant a licence for a private hire vehicle outside of policy guidelines

Recommendation: That the Committee determine the application

1. Summary

1.1 Mr David Lamb of Relyon Transport has submitted an application to the Council asking for permission to licence a Renault Trafic as a Private Hire Vehicle. This vehicle falls outside of the current vehicle age policy; being registered on 1 March 2008. The vehicle DU08 OUK has eight seats and will be used to transport passengers to and from Dover Port/Cruise Terminal and the parking facilities at the applicant's business address and it is not intended to be used for any other purpose.

2. Introduction and Background

2.1 The regulation of Hackney Carriage & Private Hire Vehicles is a statutory duty of the Council under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2.2 The Dover District Council Hackney Carriage and Private Hire Policy states in paragraph 2.4.1 that:

“No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when initial application is made, exceeds 5 years of age, or 100,000 miles.”

2.3 The policy also states “applicants wishing to licence vehicles outside of the policy should show sufficient reason for the Council to deviate from agreed policy”.

2.4 Mr Lamb has applied to licence a Renault Trafic as a private hire vehicle. The vehicle was first registered on 1 March 2008 and therefore falls outside of the current vehicle age policy. The vehicle had covered mileage of 88,000 miles at the time of the application. The vehicle will only be used for transporting passengers to and from Dover Port and Cruise Terminal and the parking facilities which the company operates in Poulton Close, Dover and will not be used for any other private hire purpose.

2.5 The Licensing Team Leader inspected the vehicle on 31 March 2016 and found the vehicle to be in very good condition.

3 Identification of Options

Options:

- (a) To allow the application for the grant of Private Hire Vehicle licence to the vehicle notwithstanding that this would be a deviation from existing policy.
- (b) To allow the application for the grant of Private Hire Vehicle licence to the vehicle and give authorisation to the Licensing Team Leader to approve this vehicle for renewal in the future providing it remains to a good standard and is to be solely used for shuttle services by Relyon.
- (c) To reject the application as there are insufficient reasons to justify a deviation from existing policy.

4 Evaluation of Options

Options:

- (a) The vehicle is over the age defined in policy for the grant of a licence. However, Mr Lamb is requesting that the Committee consider whether the vehicle could be licensed as he feels his application is exceptional circumstances and that the vehicle is maintained to very high standard, and is in such good condition. It is also important to note that the vehicle will not be used for purposes other than the transport of passengers to and from the Port and Cruise Terminal and this could be attached as a condition on the licence.

If such a deviation from policy were allowed then it would be necessary to make clear that this was an exceptional circumstance and that under normal circumstances such a deviation would not be considered.
- (b) If the Licensing Team Leader was authorised to approve this vehicle for renewal in the future without the need to come before the Regulatory Committee, it would be necessary to make it clear that under normal circumstances such a deviation would not be considered.
- (c) If the Committee felt that there were insufficient reasons to deviate from the Policy, then the application should be refused.

5 Resource Implications

There are no resource implications arising from this report.

6 Appendices

Appendix A – Application form and supporting papers submitted by Mr Lamb

7 Background Papers

Hackney Carriage & Private Hire Licensing Policy
Local Government (Miscellaneous Provisions) Act 1976.

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