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

**Meeting and Date:** Regulatory Committee – 12 July 2016

**Report of:** Licensing Team Leader

**Classification:** Unrestricted

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

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**Recommendation:** That the Committee determine the application

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1. Summary

1.1 Mr David Lamb of Relyon Transport has submitted an application to the Council asking for permission to licence a Ford Transit registration number PY57 VAA as a Private Hire Vehicle. This vehicle falls outside of the current vehicle age policy; being registered on 5 February 2008. The vehicle 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 application is made, exceeds 5 years of age.”*

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 Ford Transit PY57 VAA as a private hire vehicle. The vehicle was first registered on 5 February 2008 and therefore falls outside of the current vehicle age policy. The vehicle had covered mileage of 125,691 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 purpose.

2.5 The Licensing Enforcement Officer inspected the vehicle on 4 July 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 vehicles for shuttle services in the future, it would be necessary to make it clear that this is for the circumstances of a shuttle vehicle for Relyon only and 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

Contact Officer: Rebecca Battrick, Licensing Team Leader. Ext.2279