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

**Meeting and Date:** Regulatory Committee – 6<sup>th</sup> September 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 Henry Miller of 1, Wordsworth Gardens, Aylesham CT3 3LY has submitted an application to the Council asking for permission to licence a Vauxhall Zafira registration number GJ60 WDL as a Private Hire Vehicle. This vehicle falls outside of the current vehicle age policy; being registered on 24<sup>TH</sup> September 2010 but matches all other criteria in regards to the policy's vehicle specifications to be a licensed vehicle.

## 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 Miller has applied to licence a Vauxhall Zafira GJ60 WDL as a private hire vehicle. The vehicle was first registered on 24<sup>TH</sup> September 2010 and therefore falls outside of the current vehicle age policy. The vehicle had covered mileage of 47000 miles at the time of the application. The vehicle will be used as a Private Hire vehicle.

2.5 The Licensing Enforcement Officer inspected the vehicle on the 18th August 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.
- (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 Miller 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..

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 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 submitted by Mr Miller and supporting papers

### **7 Background Papers**

Hackney Carriage & Private Hire Licensing Policy

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