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| Subject: | LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES |
| Meeting and Date: | Regulatory Committee – 19 November 2019 |
| Report of: | Licensing Team Leader |
| Classification: | Unrestricted |

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| Purpose of the report: | To consider an application to renew a licence for a private hire vehicle outside of policy guidelines |
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1. Summary

- 1.1 Mr Nigel Wheeler of Preston, Canterbury has submitted an application to the Council asking for permission to renew the licence on his Vauxhall Insignia as a Private Hire Vehicle. This vehicle falls outside of the current vehicle age policy; being registered on 15 November 2010. The vehicle LD60 XMK has 4 passenger seats and will be used exclusively for chauffeur service and 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 the renewal of a hackney carriage or private hire vehicle will be granted if the vehicle, when application is made, exceeds 8 years of age”.

In addition, it states in paragraph 2.4.5 that:

The Licensing Team Leader has delegated authority to extend the time limits set out at 2.4.1 – 2.4.4 for prestige or exceptionally well maintained vehicles by a maximum of two further years.

- 2.3 Applicants wishing to licence vehicles outside of the policy should show sufficient reason for the Council to deviate from agreed policy.
- 2.4 Mr Wheeler originally applied to licence this Vauxhall Insignia as a private hire vehicle in July 2018. The vehicle was first registered on 15 November 2010 and therefore fell outside of the current vehicle age policy. The vehicle had covered mileage of 36,500 miles at the time of the original application. The vehicle was to be used for chauffeur services and will not be used for any other private hire purpose.
- 2.5 At the hearing on 11 September 2018, the licence was granted, but it was resolved that due to the vehicle’s anticipated mileage, that prior to the expiration of the 12 month period the vehicle be brought back before the Regulatory Committee to consider the renewal of the licence.
- 2.6 Mr Wheeler has now applied to renew this vehicle licence. The current mileage on the vehicle is 65,355. The vehicle has been used exclusively for chauffeur services

and has covered 28,855 miles in the year that it has been licensed. The vehicle has been inspected by the Licensing Enforcement Officer and was found to be exceptionally well maintained.

3 Identification of Options

Options:

- (a) To allow the application for the renewal 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 renewal 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 chauffeur services.
- (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 the policy for the renewal of a licence. However, Mr Wheeler 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.
- (b) 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.
- (c) 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.
- (d) 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 Wheeler

7 Background Papers

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

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