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

Meeting and Date: Regulatory Committee – 7 September 2021

Report of: Rebecca Pordage – Licensing Manager

Classification: Unrestricted

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

Recommendation: That the Committee considers the report.

1. Summary

1.1 Mr Paul Lawrence of Dover has submitted an application to the Council asking for permission to renew the licence on his Skoda Octavia as a Private Hire Vehicle. This vehicle falls outside of the current vehicle age policy; being registered in June 2011. The vehicle BT11 FCJ has 4 passenger seats and is intended to be used for normal private hire duties.

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 2.4.2 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 license vehicles outside of the policy should show sufficient reason for the Council to deviate from the agreed policy.

2.4 Previous renewals of this vehicle have been authorised by the Licensing Team Leader, as per the Dover District Council Hackney Carriage and Licensing Policy delegations. However, as this vehicle is now 10 years and 2 months old, this can no longer be delegated to an officer, and therefore has been referred to the Regulatory Committee. The application can be found at **Appendix A**. The vehicle has been inspected by the Licensing Enforcement Officer and the details of the inspection are shown at **Appendix B**. The mileage at the time of inspection was 191,889 miles. Mr Lawrence has provided some photos of the vehicle's interior and exterior which are shown at **Appendix C**. The vehicle will be available on the day of the hearing for inspection.

Mr Lawrence has requested that the vehicle be relicensed as it has been a very tough 18 months and as a result he has been financially strained - some days he would only make £40- £50. He had covid and could not work for 2 ½ months which further drained his finances. Mr Lawrence says that the car is in excellent condition and often gets compliments from members of the public. Mr Lawrence feels that the vehicle could easily continue to do the job for another year, it is cleaned and hoovered every night.

2.5 Vehicle licences are for a period of 12 months.

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 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 Lawrence is requesting that the Committee considers whether the vehicle could be licensed as it is maintained to a high standard, and is in good condition.
- (b) If such a deviation from policy were allowed, for a 12-month period or any lesser period, then it would be necessary to make clear that this was an exceptional circumstance.
- (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 Lawrence.

Appendix B – Licensing Enforcement Officer's report following inspection of the vehicle.

Appendix C – Photographs of the vehicle.

7 **Background Papers**

Hackney Carriage & Private Hire Licensing Policy

Local Government (Miscellaneous Provisions) Act 1976.

Contact Officer: Rebecca Pordage, Licensing Manager. 01304 872279