
Subject:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES
Meeting and Date:	Regulatory Committee – 8 February 2022
Report of:	Licensing Manager
Classification:	Unrestricted

Purpose of the report:	To consider an application to renew a licence for a hackney carriage vehicle outside of policy guidelines
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Recommendation:	That the Committee consider the report
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1. Summary

Mr Sherwan Saber and Mr Saber Fazula, have submitted an application to the licensing authority asking for permission to renew the licence on their Ford Galaxy as a Hackney Carriage vehicle. This vehicle falls outside of the current vehicle age policy, being registered in January 2012. The vehicle EF61 KFL has 6 passenger seats and is intended to be used for Hackney carriage hire within the district and beyond.

The licence plate expired on 31 January 2022, but a temporary extension was given until 8 February 2022 (date of the hearing).

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 licence 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 1 month old, it 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 208,892 miles. The

vehicle owners say that they would like to keep the vehicle on even though it is out of the age limits for the policy, giving reasons that it is in good condition. Photos of the vehicle were taken by the Licensing Enforcement Officer at the time of inspection, and these are shown at Appendix C. The owner has been requested to physically present the vehicle for inspection on the day of the hearing.

2.5 Hackney carriage and private hire vehicle licences are normally issued for a period of 12 months.

3 Identification of Options

Options:

- (a) To allow the application for the renewal of the Hackney Carriage Vehicle licence 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, the applicant is requesting that the Committee consider whether the vehicle could be licensed as the applicant states it 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 Saber and Mr Fazula.

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

Appendix C – photos of the vehicle taken by the Licensing Enforcement Officer

7 Background Papers

Hackney Carriage & Private Hire Licensing Policy

Local Government (Miscellaneous Provisions) Act 1976.

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