
Subject:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES
Meeting and Date:	Regulatory Committee – 18 October 2022
Report of:	Licensing Manager
Classification:	Unrestricted

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 consider the report
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1. Summary

Mr Sherwan Saber, has submitted an application to the licensing authority asking for permission to grant the licence on his Citroen C4 as a Private Hire vehicle. This vehicle falls outside of the current vehicle age policy, being registered in June 2014. The vehicle reg MW14 ZVK has 6 passenger seats and is intended to be used for private hire within the district and beyond.

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 4.4 that:

4.4 Maximum Age of Vehicles

4.4.1 No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when initial application is made, exceeds 5 years of age.

4.4.2 No application for the renewal of a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 8 years of age.

4.4.3 No application for the renewal of a hackney carriage or private hire vehicle licence purpose built for the carrying of wheelchair dependant passengers, or a type licensed by the Public Carriage Office as a London Cab will be granted if the vehicle, when application is made, exceeds 12 years of age.

4.4.4 No application for the renewal of a hackney carriage or private hire vehicle licence which is fully electric or hybrid in nature will be granted if the vehicle, when application is made, exceeds 12 years of age.

4.4.5 No application for a temporary transfer will be granted if the vehicle, when the application is made, exceeds 5 years of age.

4.4.6 The Licensing Manager has delegated authority to extend the time limits set out at 4.4.1 – 4.4.5 for exceptionally well-maintained vehicles by a maximum of two further years. Applicants who fail to obtain approval from the Licensing Manager for an extension or who may wish to seek permission to extend beyond the two extra years may ask to be referred to the Regulatory Committee for consideration.

4.4.7 Applications for vehicles that fall outside of the policy guidelines or the provisions of 4.4.6 will be referred to the Regulatory Committee for consideration.

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 As this vehicle is 8 years old, it 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 121,552 miles. This vehicle was previously licensed as a private hire vehicle with Dover District Council, but was taken off the road for vehicle repairs. Photographs of the vehicle were taken by the Licensing Enforcement Officer at the time of inspection, and these are shown within his report. 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 grant 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 grant 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

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

Background Papers

Hackney Carriage & Private Hire Licensing Policy

Local Government (Miscellaneous Provisions) Act 1976.

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