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

Meeting and Date: **Regulatory Committee – 15 September 2023**

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**

Recommendation: **That the Committee consider the report**

1. Summary

Mr Sayed Ehsan Sadat, has submitted an application to the licensing authority asking for permission to grant a licence on his Hyundai i40 SE Nav Crdi Blue Drive as a Private Hire vehicle. This vehicle falls outside of the current vehicle age policy, being first registered on 30 September 2015. The vehicle NL65 VMG has 4 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 2022 – 2027 states in paragraph 4.4.1 that:

“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.”

In addition, it states in paragraph 4.4.6 that:

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.

Paragraph 4.4.7 states:

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 As this vehicle is almost 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 148,447 miles. The vehicle owner has requested that the vehicle be licensed as he cannot afford to buy a

new vehicle at this time, he also states that it is currently being used as a private hire vehicle with another authority, see **Appendix C**. The owner has been requested to physically present the vehicle for inspection on the day of the hearing.

- 2.4 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 Private Hire 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 with low mileage.
- (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

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

Appendix C – Supporting email provided by Mr Sadat

7 **Background Papers**

Local Government (Miscellaneous Provisions) Act 1976.

Dover District Council Hackney Carriage and Private Hire Licensing Policy 2022 - 27

Contact Officers: Rebecca Pordage, Licensing Manager. 01304 872279