
Subject:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES
Meeting and Date:	Regulatory Committee – 19 September 2023
Report of:	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
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1. Summary

- 1.1 Mr Ramazan Hamza 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 on 1 June 2013. The vehicle GN13 DXX 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 4.4.3 that:

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.

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.

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 Mr Hamza's Private Hire Vehicle Licence expired on 31 August 2023, but a temporary extension has been granted to allow the vehicle to remain licensed until the date of the Regulatory Committee on 19 September 2023.

- 2.5 Previous renewals of this vehicle have been authorised by the Licensing Manager, as per the Dover District Council Hackney Carriage and Licensing Policy delegations. However, as this vehicle is now 10 years and 3 months old, this can no longer be delegated to the Licensing Manager, and therefore has been referred to the Regulatory Committee. The application can be found at **Appendix A**. The current mileage on the vehicle is approximately 238,878 miles. The vehicle has been inspected by the Licensing Enforcement Officer and the report of this inspection is shown at **Appendix B**. The vehicle will be available on the day of the hearing for inspection.
- 2.6 Mr Hamza has requested that the vehicle be relicensed as he has spent a lot of money on the vehicle to keep it up to standards and he would like to recoup some of his outlay. A copy of the request from Mr Hamza is shown at **Appendix C**.
- 2.7 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 Hamza is requesting that the Committee consider whether the vehicle could be licensed as he has spent a lot of money on the vehicle and wishes to recoup some of his outlay.
- (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 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 Hamza

Appendix B – Inspection report by the Licensing Enforcement Officer

Appendix C – Written request from Mr Hamza

7 **Background Papers**

Dover District Council Hackney Carriage & Private Hire Licensing Policy 2022-2027
Local Government (Miscellaneous Provisions) Act 1976.

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