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

**Meeting and Date:** Regulatory Committee – 26 November 2013

**Report of:** Rebecca Pordage, Licensing Enforcement Officer

**Classification:** Unrestricted

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**Purpose of the report:** To consider an application to licence a Private Hire Vehicle outside of policy guidelines

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**Recommendation:** That the Committee determine the application

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## 1. Summary

1.1 Mr Kevin Short has applied to the Council for the transfer of Private Hire Vehicle licence PHV106 onto a Chrysler 300c KY56 OGM. The date of first registration is 26<sup>th</sup> September 2006.

## 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 This Council has a policy stating that “No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 5 years of age, or the total mileage travelled by the vehicle exceeds 100,000 miles.”

2.3 The policy also states “applicants wishing to licence vehicles outside of the policy should show sufficient reason for the Council to deviate from agreed policy”.

2.4 Mr Short has applied to licence a vehicle that falls outside of the current age limits specified in the policy.

2.5 The Licensing Enforcement Officer inspected the vehicle on 14 November 2013 and found the vehicle to be in excellent condition. The vehicle has a current MOT but Mr Short is arranging for a new MOT to be carried out on the vehicle prior to the hearing.

## 3. Identification of Options

3.1 Options:

(a) To allow the application for the grant of the 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**

##### **4.1 Options:**

- (a) The vehicle is over the age limit defined in the policy for the grant of a licence as it is over the maximum 5 years of age. However, Mr Short is requesting that the Committee consider whether the vehicle could be licensed as he feels it has been maintained to the highest standard and used exclusively for wedding hire. The mileage of the vehicle is low for its age at 62,000 miles.

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.

Should this be Members' preferred option, they may wish to consider delegating the decision to re-licence the vehicle to the Licensing Team Leader for a set period, after which the matter must return to Committee for consideration.

- (b) If the Committee felt that there were insufficient reasons to deviate from the Policy, then the application should be refused.

#### **5. Resource Implications**

None.

#### **6. Appendices**

Appendix A – Application form submitted by Mr Short

Appendix B – Licensing Enforcement Officer's inspection report form

#### **7. Background Papers**

Hackney Carriage & Private Hire Licensing Policy

Contact Officer Rebecca Pordage, Licensing Enforcement Officer