

**LICENSING PANEL****7 JULY 2017**

<b>REPORT TITLE</b>	<b>HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

**REPORT SUMMARY**

The purpose of this report is for Members to consider an application to license the following vehicle, namely a LTI TXII, registration number DG02 MGW, as a Hackney Carriage Vehicle.

**RECOMMENDATION/S**

That members consider whether or not to license the vehicle registration number DG02 MGW as a Hackney Carriage Vehicle.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 It is the delegated authority of this Panel to determine applications for Hackney Carriage Vehicle Licences where the vehicle cannot comply with the current criteria for licensing Hackney Carriage Vehicles.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 There is no provision for other options to be considered.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence is as follows:

- (i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;
- (ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;
- (iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;
- (iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;
- (v) that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).

- 3.2 On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that:

In circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old and that this Policy is to have immediate effect.

The Licensing Panel be delegated with the authority to act outside this policy.

- 3.3 In accordance with the resolution in paragraph 3.2 Members are asked to consider the application submitted by the applicant to change the vehicle that is currently licensed as a Hackney Carriage Vehicle, registration number W683 JNC which is 17 years old, to the vehicle registration number DG02 MGW which is 15 years old.

- 3.4 The application from Mr Owen is to change his Hackney Carriage Vehicle as the vehicle that is currently licensed, a Metrocab, requires new parts which are unobtainable due to the age and make of the vehicle. The vehicle has been licensed as a Hackney Carriage Vehicle since prior to November 2008.
- 3.5 The Metrocab that is currently licensed was presented for test at one of the Council's authorised testing stations on 17 May 2017. The vehicle failed both the MOT and Compliance Tests due to a number of defects rendering the vehicle dangerous to be used. Mr Owen applied to renew the Hackney Carriage Vehicle Licence in order to preserve the licence pending the decision of this Panel. Due to the number and nature of the defects identified through the test the Hackney Carriage Vehicle Licence has been suspended so the vehicle cannot be used as a Hackney Carriage Vehicle. The MOT and Compliance test failure notices will be available at the Panel meeting.
- 3.6 The proposed replacement vehicle, registration number DG02 MGW, was licensed as a hackney carriage vehicle until 6 April 2017 when the then proprietor changed his vehicle to one that is six years old in compliance with the Council's Policy.
- 3.7 Members are asked to consider the application and determine if there is good reason to act outside of the current policy and license the vehicle, registration number DG02 MGW as a Hackney Carriage Vehicle.
- 3.8 At the meeting of the Licensing Panel on 25 May 2017 Members resolved to refuse the application as they had concerns as to the safety of the vehicle due to the evidence of corrosion and lack of evidence that the advisory notes on the MOT had been carried out. Members therefore had concerns regarding the suitability of the vehicle to carry fare paying passengers and be licensed as a Hackney Carriage Vehicle.
- 3.9 The proprietor of the vehicle, Mr Owen, has requested that Members reconsider this application following further work being undertaken on the vehicle.
- 3.10 The vehicle has been examined at one of the Council's authorised testing stations and the pass certificate will be available at the meeting.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no specific implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 A decision of this Panel can be subject to appeal.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 There are no specific implications arising from this report.

## **7.0 RELEVANT RISKS**

7.1 There are none arising from this report.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 This is not a matter that requires consultation.

## **9.0 EQUALITY IMPLICATIONS**

9.1 There are no specific implications arising from this report.

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## **REFERENCE MATERIAL**

Vehicle Licence application form

MOT certificate

Compliance pass certificate

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>