



**LICENSING PANEL**

**9 FEBRUARY 2024**

<b>REPORT TITLE</b>	<b>HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND CORPORATE SERVICES</b>

**REPORT SUMMARY**

The purpose of this report is for the Licensing Panel to consider an application to license a Renault Trafic, registration number PO62 HXF as a Hackney Carriage Vehicle, outside of the current age policy for licensing Hackney Carriage Vehicles.

**RECOMMENDATION**

The Licensing Panel is recommended to determine whether to license a Renault Trafic, registration number PO62 HXF, as a Hackney Carriage Vehicle, outside of the current age policy for licensing Hackney Carriage Vehicles.

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION**

- 1.1 The Licensing Authority have received an application to license a Renault Trafic, registration number PO62 HXF, outside of the current criteria for licensing Hackney Carriage Vehicles. It is a delegated function of the Licensing Panel to determine whether to license a vehicle as a Hackney Carriage Vehicle when it does not comply with the current criteria for licensing Hackney Carriage Vehicles.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 That the application to license a Renault Trafic, registration number, PO62 HXF be determined by an Officer in accordance with the current criteria for licensing Hackney Carriage Vehicles within the Council's Statement of Hackney Carriage and Private Hire Licensing Policy which would result in the application being refused.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The current criteria that vehicles must comply with before being granted a Hackney Carriage Vehicle licence as set out in the Council's Statement of Hackney Carriage and Private Hire Licensing Policy includes the following:

“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.”

- 3.2 Mr Owen's vehicle licence reference HV93, registration number SF60 BYS, has been suspended since 8 September 2023 following a road traffic collision. The vehicle licence is due to expire on 27 February 2024 however the vehicle cannot be repaired in order for the licence to be renewed. Due to these circumstances Mr Owen has submitted an application to change the vehicle, from the vehicle that is currently subject to the licence, to another vehicle namely a Renault Trafic, registration number PO62 HXF.
- 3.3 The date of first registration of this vehicle is 5 September 2012.
- 3.4 The vehicle has been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates will be provided in advance of the meeting.
- 3.5 The vehicle will be available for inspection at the meeting.
- ### **4.0 FINANCIAL IMPLICATIONS**
- 4.1 There are no financial implications arising directly from this report.

## **5.0 LEGAL IMPLICATIONS**

5.1 Section 47 of The Local Government (Miscellaneous Provisions) Act 1976 states:

### **Licensing of Hackney Carriages.**

(1) A district council may attach to the grant of a licence of a Hackney Carriage under the Town Police Clauses Act 1847 such conditions as the district council may consider reasonably necessary.

(2) Without prejudice to the generality of the foregoing subsection, a district council may require any Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

## **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 safety implications arising out of this report as the Licensing Panel must be satisfied that the vehicle is safe, suitable and comfortable to be licensed as a Hackney Carriage Vehicle. The vehicle has been examined at one of the Council's authorised testing stations and has passed the MOT and Compliance tests.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 This is not a matter that requires consultation.

## **9.0 EQUALITY IMPLICATIONS**

9.1 The Licensing Panel must have regard to their Public Sector Equality Duty when considering the application.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 Petrol and diesel vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health.

10.2 Hybrid and electric cars emit less greenhouse gases and air pollutants than petrol and diesel cars. (Source: European Environment Agency report 2018)

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 There are none arising directly from the content of this report.

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## **APPENDICES**

None

## **BACKGROUND PAPERS**

Application form  
MOT pass certificate  
Compliance Test pass certificate  
Statement of Hackney Carriage and Private Hire Licensing Policy  
European Environment Agency Report 2018  
Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976  
Equality Act 2010

## **TERMS OF REFERENCE**

This report is being considered by the Licensing Panel who are delegated to determine such matters in accordance with Section 8.4 of the Licensing and General Purposes Committee's Terms of Reference referred to in Part 3, Section B of the Council's constitution.

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

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