

LICENSING PANEL**9 FEBRUARY 2024**

REPORT TITLE	HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION
REPORT OF	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider an application to license a Peugeot Expert E7, registration number SH56 KYJ 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 Peugeot Expert E7, registration number SH56 KYJ, 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 Peugeot Expert E7, registration number SH56 KYJ, 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 Peugeot Expert E7, registration number, SH56 KYJ 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 proprietor of the Peugeot Expert E7, registration SH56 KYJ, Michael Rice has submitted an application to license the vehicle as a Hackney Carriage Vehicle.

- 3.2 Following Mr Rice's Hackney Carriage Driver licence being suspended due to him having a medical condition at the time, Mr Rice's vehicle licence reference HV274, was suspended on 23 May 2023. The Hackney Carriage Vehicle licence subsequently expired on 23 November 2023.

- 3.3 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:

"Every vehicle presented for licensing for the first time must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier)".

- 3.4 The vehicle was first licensed on 24 November 2008.

- 3.5 The date of first registration of this vehicle is 10 November 2006.

- 3.6 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.

- 3.7 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)

Council Meeting	Date