

LICENSING PANEL**10 MAY 2024**

REPORT TITLE	PRIVATE HIRE 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 Toyota Auris, registration number CK14 XKM as a Private Hire Vehicle, outside of the current age policy for licensing Private Hire Vehicles.

RECOMMENDATION

The Licensing Panel is recommended to determine whether to license a Toyota Auris, registration number CK14 XKM, as a Private Hire Vehicle, outside of the current age policy for licensing Private Hire Vehicles.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Licensing Authority have received an application to license a Toyota Auris, registration number CK14 XKM, outside of the current criteria for licensing Private Hire Vehicles. It is a delegated function of the Licensing Panel to determine whether to license a vehicle as a Private Hire Vehicle when it does not comply with the current criteria for licensing Private Hire Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the application to license a Toyota Auris, registration number CK14 XKM, be determined by an Officer in accordance with the current criteria for licensing Private Hire 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 Private Hire Vehicle licence as set out in the Council's Statement of Hackney Carriage and Private Hire Licensing Policy includes the following:

1. Vehicles must be under 10 years of age from the date of manufacture or date of first registration, whichever is the earliest.
2. Once a vehicle reaches 6 years of age it will be required to be tested every six months and a six-monthly licence will be issued.
3. Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old.

- 3.2 The proprietor of the vehicle, Binu Enchiparambil Johny, has applied to license the vehicle as a Private Hire Vehicle.

- 3.3 The vehicle was first licensed as a Private Hire Vehicle on 21 June 2017 and the current licence is due to expire on 28 May 2024.

- 3.4 The date of first registration of this vehicle is 29 May 2014.

- 3.5 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.

- 3.6 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 48 (1) of The Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence unless it is satisfied that the vehicle is:

- Suitable in type, size and design for use as a Private Hire Vehicle,
- Not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage,
- In a suitable mechanical condition,
- Safe and Comfortable,
- That there is in force in relation to the use of the vehicle a policy of insurance.

5.2 Section 48 (7) of The Local Government (Miscellaneous Provisions) Act 1976 states that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in 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 Private Hire 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
Local Government (Miscellaneous Provisions) Act 1976
Equality Act 2010
European Environment Agency Report 2018

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