

WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

27 NOVEMBER 2014

Title:

**APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCE
(INVOLVING EXEMPTION FROM VEHICLE AGE POLICY)**

[Wards Affected: N/A]

Summary and Purpose

This report enables the Sub-Committee to consider granting a licence for the first time for a vehicle as a Hackney Carriage which is more than four years old, with the current Council policy requiring a vehicle being first licensed to be no more than four years old. There are no environmental or resource implications arising as a result of this report.

How this report relates to the Council's Corporate Priorities:

This report relates to improving lives in the Borough.

Equality and Diversity Implications:

There are no equality implications.

Resource/Value for Money Implications

There are no immediate resource implications in this report.

Legal implications:

Mr Keshar Khan has the right, under Article 6 European Convention on Human Rights, to a fair hearing. The Sub-Committee is required to give Mr Khan the reasons for its decision in the event of a refusal to issue the licence.

There could be some legal implications if the decision of the Sub-Committee was such that Mr Khan decided to appeal to the Magistrates' Court, as is the right of any licensee aggrieved by the Sub-Committee's decision. However, this must not fetter the Sub-Committee's duty of consideration of the matter in the interests of public safety.

Introduction

1. Authority is delegated to officers to issue Hackney Carriage and Private Hire vehicle licences for vehicles that comply with the Council's Hackney Carriage and Private Hire Licensing Policy. Vehicles that do not comply with the policy can be referred to the Sub-Committee for determination on a case by case basis.

2. The Council has a discretion whether or not to grant an application for a hackney carriage vehicle licence, but must give reasons for refusing. Section 47(1) Local Government (Miscellaneous Provisions) Act 1976 states:

A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

3. Waverley Borough Council's current (July 2013) Hackney Carriage and Private Hire Licensing Policy states:

Age of the vehicle

Subject always to the vehicle being fit for the purpose and passing its test, commencing from 20 July 2010, the maximum age of vehicles presented to be licensed for the first time shall not be more older than 4 years old at first registration. This is assessed by the date in the vehicle's logbook (registration document) when it is ready for its test. The vehicle may continue to be licensed until its 10th anniversary, by which time it will need to be replaced.

When a vehicle reaches five (5) years old, it shall be required to undergo an interim vehicle test 6 months after licence renewal. Vehicles in this age bracket will be issued with six-month duration plates.

4. Mr Khan is a newly licensed driver with Waverley, issued on the 17.10.14, who has now submitted a new Hackney Carriage vehicle application.
5. The vehicle, a Ford Galaxy, has a date of first registration with the DVLA of 26 February 2010 which makes it 4 years and 9 months old, which is outside of the Council's policy for a newly licensed vehicle.
6. Mr Khan has submitted a letter requesting that the Committee considers his application and giving his explanation, attached at Annexe 1.
7. The vehicle is due to be tested at Guildford Borough Depot. Results of the test will be tabled at the hearing.

Community Safety Implications

There are no community safety implications as the vehicle has passed the vehicle inspection when tested by Guildford Borough Council in accordance with Waverley test criteria.

Recommendation

It is recommended that the Sub-Committee gives consideration to Mr Khan's application to license the vehicle identified in his application, which includes a request for an exception to be made to the age policy in respect of the vehicle.

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