

WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE – 16 JULY 2015

Title:

**APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE
(REQUESTING EXEMPTION FROM VEHICLE AGE POLICY)**

[Wards Affected: All]

Summary and Purpose

This report enables the Sub-Committee to consider a request to continue to license a vehicle as a Hackney Carriage which will be more than ten years old. The Council policy states that, once licensed, a vehicle may continue to be licensed up to the 10th anniversary of first registration.

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

This report relates to improving lives in the Borough.

Resource/Value for Money Implications

There are no immediate resource implications in this report.

Legal implications:

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

There could be some legal implications if the decision of the Sub-Committee was such that Mr Doodson 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. 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.

Section 60(1) of the Act states:

“Notwithstanding anything in the Act of 1847 or in this part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or Section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds –

- a) That the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- b) Any offence under, or non-compliance with, the provisions of the Act of 1847 or of this part of this Act by the operator or driver; or
- c) Any other reasonable cause

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 20th July 2010, the maximum age of vehicles presented to be licensed for the first time shall not be more 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 Doodsons' current vehicle licence, issued on 18 June 2015, expires on 30 August 2015 as the vehicle will be 10 years old and officers are only able to licence the vehicle up until the vehicle's 10th birthday.
5. Mr Doodson has requested (before the vehicle is 10 years old) that the vehicle, plate number 191, be granted exemption from the ten-year age limit (see email attached at Annexe 1).
6. Mr Doodson has stated the vehicle is in very good condition, serviced when required, has a current mileage of only 205,000 miles and it has regularly passed all MOTs and Council vehicle tests. The vehicle, a Toyota Avensis Estate D4D T Spirit, was first registered with the DVLA on 01 September 2005 and has been licensed with Waverley since 18 June 2008. The vehicle was originally licensed by another licensee and sold as a licensed vehicle to Mr Doodson in August 2012. It is black in colour with a recorded mileage of 209,930 miles according to the last test inspection sheet carried out on 10 June 2015.
7. The vehicle was last tested at Guildford Borough Depot on 10 June 2015 and a pass certificate was issued having initially failed due to vehicle stability control (VSC) and traction control lights. A copy of the pass certificate regarding this inspection is attached at Annexe 2.

Community Safety Implications

8. The purpose of hackney carriage and private hire licensing is to ensure public safety.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request to renew the hackney carriage vehicle licence in respect of this vehicle, plate number 191, beyond the vehicle's 10th anniversary of registration.

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