

**NORTH DEVON COUNCIL
REPORT TO LICENSING SUB-COMMITTEE
17th December 2018
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE
LICENCE**

Reference Number: (PFNV006)

REPORT BY THE LICENSING OFFICER

PART I

1. INTRODUCTION

- 1.1 This report concerns an application for Grant of a Hackney Carriage Vehicle Licence where the vehicle concerned does not meet the specifications of the North Devon District Council's Hackney Carriage and Private Hire Licensing Policy August 2016.

PART II

2. RECOMMENDATIONS

- 2.1 It is recommended that the Sub-Committee consider the application for the grant of a Hackney Carriage vehicle in light of the Council's policy.
- 2.2 If members are minded to grant a licence for the above vehicle then clear and cogent reasons must be given for departing from the Council's policy.

PART III

3. POLICY

- 3.1 The relevant parts of the North Devon District Council's Hackney Carriage & Private Hire Licensing Policy August 2016 states:

3.5 Maximum Age of Vehicle

Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a private hire licence is made when the vehicle in question is more than 5 years old, the application must be referred to the Licensing Sub-Committee for consideration.

The presumption is that licences will not be granted for vehicles over 5 years old, but each such application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant.

4. CONSTITUTIONAL CONTEXT

4.1 This application is being referred by the Licensing Officer to the Licensing Sub-Committee under Part 3 paragraph 2(a) of the Council's Constitution as it represents a departure from the Council's policy statement.

5. REPORT

5.1 On the 9/11/18 an application for a Hackney Carriage Vehicle licence was received from Mr Andrew Baguley. The vehicle applied for is a Volkswagen Touran Sport TDI, with a date of first registration of 28/05/2013, and thus the vehicle WF13 UOH is in excess of five years old.

5.2 The vehicle concerned had done 76,317 miles on the 12/10/2018 when the garage check was completed.

5.3 The proposed vehicle meets all vehicle specifications.

5.4 In relation to the vehicle age, the vehicle concerned does not meet the requirement of paragraph 3.5 of the policy in that the vehicle is more than 5 years old and is in effect just 5 and a half years old.

5.5 For members information the vehicle concerned was previously licensed by North Devon Council as a Hackney Carriage Vehicle from 06/11/17 until 05/11/18 but our records identify that Mr Baguley did not renew his licence.

5.6 Members may wish to consider Mr Baguley's submission (Appendix1) that the previous Hackney Carriage Vehicle Licence was accidentally not renewed only for personal family reasons.

6. OPTIONS

6.1 Grant the licence

6.2 Refuse to grant the licence

7. RESOURCE IMPLICATIONS

7.1 There are no financial or human resource implications for the Council directly associated with this report, however should the Council refuse to grant the licence there may well be cost implications associated with any appeal that the vehicle proprietor may choose to make.

8. HUMAN RIGHTS

8.1 The provisions of the Human Rights Act have been taken into account in the preparation of this report.

9. STATEMENT OF INTERNAL ADVICE

9.1 Advice has been taken from the Council's Legal Services Unit in producing this report.

10. STATEMENT OF CONFIDENTIALITY

10.1 This report contains no confidential or exempt information under the provisions of Schedule 12A of the Local Government Act 1972 (as amended).

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The following background papers have been used in the preparation of this report:

- Local Government (Miscellaneous Provisions) Act 1982;
- North Devon Council Hackney Carriage & Private Hire Licensing Policy August 2016.
- Information provided as part of the application process from applicant.

Phil Fitzsimons
Licensing Officer
04/12/2018