

REPORT TO	DATE OF MEETING
GENERAL LICENSING COMMITTEE	22nd March 2016

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
APPLICATION TO RELICENCE A HACKNEY CARRIAGE VEHICLE WHICH WILL BE OF AN AGE THAT FALLS OUTSIDE THE COUNCILS POLICY ON AGE LIMITS	REGENERATION AND LEISURE	Charles Goodwill	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

A report on an application to licence a Toyota Avensis registration number YS08 AJX which does not comply with the Council's published age policy.

RECOMMENDATIONS

The Committee is requested to determine whether it wishes to depart from its policy and grant a Hackney Carriage vehicle licence.

DETAILS AND REASONING

Mr Paul Gregory, 3 Paradise Lane, Leyland PR26 7ST wishes to extend the lifetime of the Hackney Carriage Vehicle Licence for his Toyota Avensis YS08 AJX by a further 12months from the date the present Licence expires on the 30/06/2016. This vehicle will be 8 and 1 month old when this licence expires.

In accordance with the Council's Policy on vehicle age limits (Appendix 1) it is too old to be licensed as a Hackney Carriage Vehicle, but in accordance with subsection b) of this Policy, Mr Gregory requests the vehicle be given due consideration.

Mr Gregory has been asked to make the vehicle available for the Committee's inspection to ensure that it is given full consideration in determining its suitability as a licensed vehicle.

Prior to the introduction of a Council Policy on vehicle age limits, the licensed vehicle fleet was by and large unregulated, apart from the requirement for a roadworthiness test every six months. However, the Council reviewed vehicle conditions following increasing concerns expressed by members of the public and councillors regarding the standard and quality of the vehicles licensed by it. As a result, to improve vehicle standards, the council decided that it was appropriate to introduce a limit on the age of vehicles it would licence.

The introduction of an age limit has resulted in newer vehicles being used and these licensed vehicles are fitted with more recent safety features (e.g. anti-lock brakes, side impact bars, air bags etc.). Vehicle engine management systems are more efficient and environmentally conscious. The service given to passengers has also, therefore, improved.

The Council in looking at applications to licence older vehicles, would need to use flexibility so that the authority did not fetter its discretion or act unreasonably. However, the Council has not departed from this policy apart from in exceptional circumstances, or when licensing 'vintage' or 'classic' vehicles.

In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be referred to the next scheduled General Licensing Committee for consideration.

A letter from Mr Gregory stating his qualifications as a motor mechanic to service and repair his vehicle is attached at Appendix 2. The vehicle will have to pass the Council's Roadworthiness test.

For information, Mr Gregory holds Hackney Carriage Driver's Licence HCD017 and HCV065 with the Council and we have records going back to 2006 of him and his vehicles being licenced by this Council.

Members may wish to take into consideration the condition and safety features of the vehicle, whether any specific contracts of work are dependent upon the use of the vehicle and whether any other exceptional factors contribute to the licensing of the vehicle.

The committee is asked to consider the vehicle's suitability in light of the above.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

FINANCIAL	None		
LEGAL	<p>Under the provisions of sections 38 and 40 of the Town Police Clauses Act 1847, every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special act to be fixed upon a Hackney Carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of this Act.</p> <p>Under the provisions of section 60 of the Local Government (Miscellaneous Provisions) Act 1976, a Council can suspend, revoke or refuse to renew a vehicle licence, if the vehicle is unfit for use or, for any other reasonable cause.</p> <p>Any party at the hearing has a right of appeal to the Magistrates' Court</p>		
RISK	The Committee should be aware of the need to protect the public. On the other hand Committee should also be aware of the applicant's right of appeal to the Magistrates' Court should it be decided to refuse the licence.		
THE IMPACT ON EQUALITY	None		
OTHER (see below)			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

- Appendix 1 – Council Policy extract in relation to Vehicle Age Limits.
- Appendix 2 – Letter from Mr Paul Gregory
- Pack of photos of the vehicle, MOT's, V5, bill of sale, previous owners service records for the vehicle

Appendix 1

SOUTH RIBBLE BOROUGH COUNCIL – LICENSED VEHICLE AGE LIMITS

South Ribble Borough Council Executive's decision taken in June 2000 (as amended on 19th December 2001 and 7th December 2010) with a 1st April 2001 introductory date:

- a) On the date of first licensing, a vehicle shall *normally* be no older than four years from the date of first registration and/or the date the vehicle was first used, whichever is the earlier.
- b) On the vehicle reaching the age limit of eight years from the date of first registration and/or the date the vehicle was first used, whichever is the earlier, the vehicle licence shall *normally* no longer be eligible for renewal.
- c) In respect of purpose-built vehicles ("black cabs" and minibuses), on the date of first licensing, a vehicle shall *normally* be no older than six years from the date of first registration and/or the date the vehicle was first used, whichever is the earlier, and that on the vehicle reaching the age of twelve years from the date of first registration and/or the date the vehicle was first used, whichever is the earlier, the vehicle licence shall *normally* no longer be eligible for renewal

Appendix 2

Mr. Paul Gregory
3 Paradise Lane
Leyland
Pr26 7ST

Ref: Extension to Taxi Licence.

Dear sir or Madam,

I am writing to arrange my attendance at the coming committee meeting on 25th Feb 2016. At which time I wish to discuss extending my car Taxi Licence, for a further 12 months.

I enclose evidence of my car's service history and photographs of the interior and exterior. I think you will find my car is in the exceptional condition required. I have owned the car from 2 years old and as an ex motor engineer from Leyland motors. I am qualified to service this car and I do maintain the high standard required of S.R.B.C. The vehicle has only registered 150,000 miles, which for a vehicle of this quality is very low considering the mileage of company Taxis. I believe a car of this standard, well maintained, is easily capable of over 300.000 serviceable miles.

I am a private owner operator of this vehicle and average 20.000 miles a year. I look forward to hearing from you and thank you in advance for your time...

Yours Faithfully.



Paul Gregory.