

<b>Committee:</b>	<b>Licensing and Environmental Health Committee</b>	<b>Agenda Item 3</b>
<b>Date:</b>	<b>26<sup>th</sup> September 2013</b>	
<b>Title:</b>	<b>Determination of a vehicle licence</b>	
<b>Author:</b>	<b>Murray Hardy (01799) 510598</b>	Item for decision

## Summary

This report is to inform members of an approach received by the Council to licence a vehicle which does not currently meet our licensing standards.

## Recommendations

The Committee determine whether or not to deviate from our standards and allow the licensing of this type of vehicle.

## Background Papers

- a. Letter dated 19<sup>th</sup> August 2013 from Nigel Munro
- b. Licensing Standards Private Hire Vehicles

## Impact

Communication/Consultation	This issue has previously been discussed with representatives of the licensed trade and all licensed drivers were consulted. Members approved the new standards at their committee meeting on 27 <sup>th</sup> March 2013.
Community Safety	The vehicle concerned if licensed will be required for a compliance test at six monthly intervals.
Equalities	None
Finance	None.
Health & Safety	None
Legal Implications/ Human Rights	Local Authorities are entitled to have policies regarding licensing issues but must be prepared to depart from those policies in appropriate cases. In the event of an appeal against the decision of the authority the Court must apply the Council's policies and can only depart from them if it considers that there are reasons to make an exception, not because the Court considers the policy to be unsound. The only way to challenge a policy itself is by

	Judicial Review.
Sustainability	None
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

- 1 On 27th March 2013 members resolved to adopt amending the Licensing Standards in respect of the Hackney Carriage and Private Hire Trades.
- 2 This was following the recommendations made by the Licensing Task Group which was set up on the 24<sup>th</sup> October 2012.
- 3 On the 19<sup>th</sup> August 2013 Mr Nigel Munro of Harrington House, Bannister Green, Felsted made a request to this council to licence his 1999 Bentley Arnage as a private hire vehicle. As the vehicle is over 12 years of age our current policy prevents the council from issuing such a licence. Mr Munro in his letter describes his vehicle as vintage and the ultimate in luxury for the carriage of passengers.
- 4 Mr Munro acquired the vehicle for the purpose of providing transport for weddings. Such use does not require licences by virtue of Section 75 (1) (cc) Local Government (Miscellaneous Provisions) Act 1976. However he wishes to extend the use of the vehicle to cover school proms, special events and corporate work. These activities do require the vehicle to be licensed.
- 5 The Council's licensing policy provides that "The Council has policies for vehicles which it is prepared to licence – Licensing Standards – Hackney Carriage and Licensing Standards – Private Hire Vehicles which are attached at Appendices C and D. Whilst every case will be determined on its merits it is unlikely that the Council would licence a vehicle which did not meet its Licensing Standards. Where a vehicle proprietor wishes to licence a vehicle which does not meet the standards he or she will be encouraged instead to put forward a case for the modification of the Standards." Mr Munro has requested that the licensing standards be varied to permit licensing of Rolls Royce and Bentley Cars over 12 years of age. The request will be considered at the meeting of the Licensing and Environmental Health Committee on 16<sup>th</sup> October 2013.
- 6 Mr Munro currently is the holder of a Combined Hackney Carriage/Private Hire Driver's Licence and a Private Hire Operator's Licence both expiring on 31<sup>st</sup> July 2014. He trades under the name of Harrington's Chauffeur Services.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An exception to policy relating to vehicle standards could effect the weakening the policy as a whole.	3 It is difficult to justify licensing certain vehicles beyond 12 years when others are subject to that limit.	3 It may be difficult to refuse applications to licence other vehicles over 12 years old if an exception to policy is made in an individual case.	Members grant a licence only if they are satisfied that there are clear and cogent reasons to make an exception to policy. The issue as to whether the policy should be changed will be considered by the Committee on the 16 <sup>th</sup> October 2013.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.