

Committee: LICENSING

Agenda Item

Date: 16 October 2013

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**Title: REQUEST FOR A VARIATION OF THE
LICENSING POLICY**

**Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416**

Item for decision

Summary

1. This report is to inform members of a request that has been made for a variation of the council's Licensing Policy to permit the licensing of vehicles which do not meet the council's current licensing standards and to seek members' view as to whether such an amendment could be agreed.

Recommendations

2. Members determine whether or not the Licensing Policy should be changed.

Financial Implications

3. None. There are no costs associated with the recommendations.

Background Papers

4. The following papers were referred to by the author in the preparation of this report.
 - Representation received from a private hire operator a copy of which is attached.

Impact

- 5.

Communication/Consultation	None.
Community Safety	None
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.

Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. Prior to 2008, the council did not impose an overall age limit beyond which it would not licence vehicles as private hire or hackney carriage vehicles. Instead, there is a requirement that vehicles should not be licensed for the first time if they were more than 10 years old. However, once licensed subject to passing 6 monthly road tests, vehicle licences could be renewed indefinitely.
7. At its meeting on 9 January 2008 the committee resolved that with certain exceptions vehicles would not be licensed after they were 12 years old. Members took a view that the age limit was important to ensure that vehicles licensed by the council comprised a smart modern fleet which would enhance the character of the district. The exceptions to this policy were for wheelchair accessible vehicles, vehicles used exclusively for school contracts and classic vehicles.
8. When the council adopted its Licensing Policy in March 2013 these standards were carried forward although the exception that applied for classic vehicles was deleted as none were licensed by the council at that time and the exception was considered unnecessary. It should be noted that the age limit of 12 years applies to all vehicles of whatever description. There are a number of operators within the district operating high range luxury vehicles which are subject to the 12 year rule.
9. The council has received a request to change its policy to permit licensing of Rolls Royce and Bentley motor vehicles after they are 12 years old.
10. An operator has recently acquired a Bentley Arnage vehicle which was made in 1999. It is therefore currently 14 years old and does not meet the council's licensing standards.
11. The operator initially acquired the vehicle for the purpose of providing wedding services. This is permissible as no licence is needed for vehicles when used in connection with weddings. Thus the operator does not need a licence for much of his proposed business although he has indicated that he wishes to offer the service of collecting couples from the airport upon their return from honeymoon. This will be too remote from the wedding to be covered by the exemption.
12. In addition to the wedding service, however, the operator also wishes to offer his Bentley for proms and for special days out to races, special events, special occasions and corporate pickups. All of these activities do require licensing.
13. The operator has already applied for a licence for his vehicle asking the committee to make an exception to policy. That application was dealt with on the 26 September. The application was refused. Different considerations

apply when considering whether to make an exception to policy and whether to change the policy itself.

14. If members are prepared to license a class of vehicles when they are more than 12 years old, members should be specific in what vehicles will be so licensed, justify the reason for changing the policy and explain why vehicles within the class designated by members are different from other luxury cars licensed by the council which are subject to the 12 year rule.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
A change of policy to permit a category of car to be licensed over 12 years old may weaken 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, if vehicles are routinely licensed when they are more than 12 years old the quality of the fleet in Uttlesford will diminish.	Members only agree to vary the policy if there are clear and cogent reasons to do so.

- 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.

File copy

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
19TH August 2013

Re: [REDACTED] Chauffeur services 1999 Bentley Arnage

Dear Mr Perry and the Committee,

I would like to request the committee consider my application for Private Hire Vehicle License for my 1999 Bentley Arnage.

I am starting my own business ([REDACTED] Chauffeur Services) offering people an exceptional and exclusive travel experience. I plan to offer the very best wedding car service and experience for the bride and grooms special day. Part of this service is to offer transportation at the end of the day to the Airport, Hotel or simply to their home. I would also like to offer the service of picking up from the airport upon their honeymoon return.

Another side of the business I am considering is to offer my Bentley for Proms along with special days out to the Races, Special Events, Special Occasions and Corporate Pick ups.

I strongly believe people want to travel in what is classed as the ultimate in automotive engineering luxury regardless of the age.

Not everyone can afford a vintage Rolls Royce/Bentley nor a brand new however still want that prestige and ultimate luxury in transportation. Therefore I am wanting to offer something in between at very competitive prices and fill that gap.

I do not plan to use the car 18 hours a day. The Bentley will only be used on a handful of occasions a week. Certainly not running on a day to day basis.

My Bentley has been fully serviced and maintained throughout its life with no expense spared which I will continue. Both inside and out my Bentley is in exceptional order and in my opinion in better condition than newer vehicles. I have also made sure that all the relevant insurances and public liability services have been taken out.

I would be more than happy for any inspection of my Bentley and its paper work at anytime

My Bentley will also have a private plate therefore not showing its true age. It could be a 2009 model.

With all of the above in mind I am looking to the committee to grant me the license I need to start my new business venture.

Yours sincerely /
[REDACTED]