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Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Determination of an application to licence a private hire vehicle which does not comply with the Council's vehicle age policy

Report summary:

It is the District Council's policy that on initial licensing as a private hire, a vehicle shall not be more than 5 years old from the date of first registration as shown on the vehicle registration document.

An application to licence a private hire vehicle has been received for a silver Ford Tourneo, **vehicle registration number WA18 TOV**. This vehicle, being **5 years and 3.5 months old**, does not meet the vehicle age policy criteria and the application is therefore to be determined by the Licensing and Enforcement Sub Committee.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation

That the Licensing and Enforcement Sub Committee consider the application to licence vehicle registration number WA18 TOV as a private hire vehicle and determine whether to refuse the application or make an exception to the District Council's vehicle age policy and agree to grant the application and licence the vehicle.

Reason for recommendation:

To ensure that vehicles licensed with this authority meet a high standard of passenger safety and comfort and are fit to carry out the work that is required as a private hire vehicle.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk

Links to background information:

[Town Police Clauses Act 1847](#)

[Local Government \(Miscellaneous Provisions\) Act 1976](#)

[East Devon District Council's Statement of Licensing Policy for Hackney Carriages, Private Hire Vehicles, Drivers and Private Hire Operators](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Report in full

Legislation and Policy

1.1 The Council is responsible for the regulation of hackney carriage and private hire services within the district. The legal framework for the taxi licensing regime is contained in numerous pieces of legislation but primarily the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

1.2 **Section 48 Local Government (Miscellaneous Provisions) Act 1976 states that:**

48 Licensing of private hire vehicles

- (1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [Part VI of the Road Traffic Act 1988],

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

Policy

- 1.3 East Devon District Council's responsibility for the regulation of hackney carriage and private hire licences is exercised in accordance with the District Council's Statement of Licensing Policy for Hackney Carriages, Private Hire Vehicles, Drivers and Private Hire Operators (henceforth referred to as the Hackney Carriage and Private Hire Licensing Policy) which, following a public consultation, was approved by the Licensing and Enforcement Committee on 17th May 2017 and adopted by Full Council on the 27th July 2017.
- 1.4 A Hackney Carriage and Private Hire Licensing Policy is not a statutory policy and although there is no requirement for the Council to adopt such a policy, it is good practice to do so as it sets out the Council's approach to issuing licences and enforcement ensuring a consistency of approach and fairness and transparency for both the trade and public alike. The policy is kept under constant review.
- 1.5 At the time of adoption in July 2017 the provisions of that policy in respect to vehicle age, stated that:
- "The Council's policy is that on initial licensing as a hackney carriage or private hire vehicle a vehicle shall be no more than 4 years old from the date of first registration as shown on the vehicle registration document".*
- 1.6 In April 2020 East Devon District Council temporarily adopted an Emergency Covid 19 Policy in relation to hackney carriage and private hire licensing. At this time the maximum age for vehicles on initial licensing was temporarily extended to no more than 5 years old from date of first registration in order to assist the taxi trade during challenging times. The Emergency Covid 19 Policy came to an end on the 31st December 2021.
- 1.7 Following a request from hackney carriage and private hire vehicle licence holders, it was subsequently resolved at a meeting of the Licensing and Enforcement Committee on the 26th October 2022, to re-instate the temporary extension to the vehicle age policy until the Council's Hackney Carriage and Private Hire Licensing Policy is fully reviewed in 2023. This amendment to the Hackney Carriage and Private Hire Licensing Policy was ratified by Full Council on the 7th December 2022.
- 1.8 Section 11.5 of the Hackney Carriage and Private Hire Licensing Policy, adopted on the 27th July 2017 and last updated on the 7th December 2022, sets out the Council's current vehicle age policy and section 11.5.1 states that:
- "The Council's policy is that on initial licensing as a hackney carriage or private hire vehicle a vehicle shall be no more than 5 years old from the date of first registration as shown on the vehicle registration document".*

1.9 Section 11.5.2 of the policy states:

“Where exceptional circumstances may apply applications to licence vehicles that are more than 5 years old from the date of first registration as shown in the vehicle registration document will be considered by the District Council on a case by case basis. 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. The application will be considered by a Sub Committee of the Licensing and Enforcement Committee. The Sub Committee will need to be satisfied that the vehicle is in exceptional condition for its age. The Council would expect the vehicle to have a full service history and a certification that the recorded mileage is correct. When considering to licence an older vehicle Members will expect to be provided with an AA ‘Comprehensive’ test report or a RAC ‘Essential Plus’ report to indicate the condition of the vehicle. These reports must be provided at the applicant’s own expense. Providing these documents does not mean that the vehicle licence will be automatically issued, but is a starting point at which the Council can make a decision to licence the vehicle or not, based on the vehicle condition. All the other relevant documents necessary for licensing must also be produced. This provision shall not apply to non-motorised vehicles”.

1.10 Licensing Officers therefore have delegated powers to grant licences for new hackney carriage and private hire vehicles up to the age of 5 years from date of first registration only.

1.11 Where exceptional circumstances apply, applications to licence a vehicle over 5 years old (from date of first registration) may be referred to a Sub Committee of the Licensing & Enforcement Committee for determination. This is in line with section 11.5.1 and 11.5.2 of the Council’s Hackney Carriage and Private Hire Licensing Policy.

Application details

1.12 On the 25th April 2023, an application to licence a private hire vehicle was received by the Licensing Authority from Mr Jason Vincent of Axminster Private Hire. The application was considered to have been made in full on the 19th June 2023 when the final supporting document was received.

1.13 In support of this application the following documentation has been provided and is included within the following appendices of this report:

Appendix A – application for private hire vehicle licence

Appendix B – V5 vehicle registration document details

Appendix C – confirmation of MOT

Appendix D – vehicle compliance test

Appendix E – confirmation of Tax

Appendix F – insurance certificate details

Appendix G – photographs of the vehicle

Appendix H – AA inspection report

Appendix I – Invoice for repairs

Appendix J - Service record

1.14 The application form is provided at **APPENDIX A.**

- 1.15 The vehicle is described in the V5 vehicle registration document as a **silver Ford Tourneo, vehicle registration number WA18 TOV**. The body type is described as an MPV (a Multi-Purpose Vehicle often referred to as a "People Carrier") with 9 seats including the driver. It has an engine cylinder capacity of 1995cc and has CO2 emissions of 181 G/KM. The relevant vehicle details, as listed in the V5, are provided at **APPENDIX B**.
- 1.16 The date of first registration is shown in the vehicle registration document as the **27th March 2018**. On the date of the sub-committee hearing, the vehicle will be approximately **5 years and 3.5 months old** from the date of first registration.
- 1.17 The Council's Hackney Carriage and Private Hire Licensing Policy requires all private hire vehicles over 36 months of age to have a valid Ministry of Transport test certificate (MOT). An online check of the vehicle's MOT status has been completed and is attached at **APPENDIX C**. This confirms that the vehicle has a valid MOT, carried out by an MOT registered garage on the 11th April 2023, which expires on the 24th April 2024. The MOT lists the following advisories to monitor and repair if necessary:
- Oil leak, but not excessive (8.4.1 (a)(i))
 - Offside Front Track rod end ball joint has slight play (2.1.3(b)(i))
 - Nearside Front Tyre worn close to legal limit/worn on edge (5.2.3(e))
- 1.18 The applicant has provided an invoice dated 25th April 2023, produced at **APPENDIX I**, which documents repairs carried out to the vehicle following the MOT. This includes the supply and fit of two tyres, the supply and fit of two track rod ends, an engine clean down and oil leak assessment. The applicant has also provided an additional invoice dated 22nd May 2023 for further repairs. This indicates that, a further engine and gear box clean down was carried out at that time, followed by a test drive to investigate the oil leak and no leak was found. This invoice is included at the end of **APPENDIX H**
- 1.19 In addition to the MOT certificate, the Council requires that all hackney carriage and private hire vehicles must hold a current compliance test report/certificate to the standard set by the Council. The applicant has provided an approved compliance test report and this is included at **APPENDIX D**. This has been completed by a garage authorised to issue MOT certificates on the 19th June 2023 and indicates that the vehicle has passed all of the required tests. The tester has certified that they have found the vehicle to be safe, comfortable and in sound mechanical condition.
- 1.20 The MOT indicates that, on the date of the MOT (11th April 2023), the vehicle's mileage was shown as: 249,087 miles. The mileage may have increased since that date and the sub-committee may wish to ask the applicant for a current reading.
- 1.21 An online tax check has been carried out and is presented at **APPENDIX E**. This demonstrates that the vehicle is currently taxed with tax next due on the 1st October 2023.
- 1.22 The applicant has provided a certificate of motor insurance and the relevant details are included at **APPENDIX F**. The vehicle insurance is valid from the 20th April 2023 to the 29th August 2023. This states that the vehicle is insured for:
- Use for private hire, including the carriage of passengers and goods for hire and reward and
 - Use for social, domestic and pleasure purposes
- 1.23 The applicant has provided photographs of the vehicle in line with the Council's current procedures and these are set out at **APPENDIX G**. The vehicle will also be presented by the

applicant at the Council Offices on the day of the hearing to allow Members the opportunity to inspect the vehicle.

- 1.24 As demonstrated in the photographs, the vehicle has rear sliding doors on both sides and the seating configuration of the vehicle is:
- Front: driver's seat and two passenger seats
 - Second row: three forward facing seats
 - Third row: three forward facing seats
- 1.25 Online checks indicate that some Ford Tourneo Custom models have versatile conference seating where the second row can be turned around to face the rear of the vehicle and the second and third row seats can be removed individually to allow for additional luggage space. The sub-committee may wish to review this when they inspect the vehicle.
- 1.26 If Members see fit to licence the vehicle, the applicant has requested in the application form that the vehicle is licensed for **8 passengers**.
- 1.27 The applicant has indicated in the application form that, to their knowledge, the vehicle has not been declared a write off or potential write off by the police or an insurance company at any time.
- 1.28 An online basic vehicle check carried out by Licensing Officers on the 29th June 2023 likewise indicates that the vehicle has not been recorded as an insurance write off, has not been recorded as stolen or scrapped and has not been imported or exported.
- 1.29 Section 11.5.2 of the Council's Hackney Carriage and Private Hire Licensing Policy (set out at number 1.9 of this report) states that when considering to licence an older vehicle Members will expect to be provided with an AA Comprehensive test report or a RAC Essential Plus report to indicate the condition of the vehicle. The applicant has provided an AA vehicle inspection report in support of the application and this is included at **APPENDIX H**. The Vehicle Identification Number (VIN No) included in this document matches the VIN No for this vehicle stated in the V5.
- 1.30 The Inspection Report states that both essential (red) and advisable (amber) repairs are required to the vehicle and that the vehicle is "not suitable for purchase unless all essential repairs are undertaken and advisable repairs are planned and budgeted for". The applicant has advised the Licensing Officer that all of the essential repairs requiring immediate attention listed under "red" on page 3 of the report have been completed. An invoice dated 22nd May 2023 has been provided in support of this and can be found at the end of **APPENDIX H**.
- 1.31 The sub-committee's further attention is drawn to the following pages of the form:
- Page 3 – lists the essential and advisory repairs required
 - Page 4 - lists interior and bodywork comments
 - Pages 45 - 49 – contains the inspection detail and checks carried out
- 1.32 The vehicle service history is provided in pages 41 and 43 of the AA vehicle inspection report however for ease of reference the applicant has provided a further copy of this which can be viewed at **APPENDIX J**. This shows the last service as having been carried out on the 8th December 2022 at 242,492 miles.

The applicant

- 1.33 Mr Jason Vincent is a licensed private hire driver and operator with this authority and has held these licences since December 2019. Mr Vincent also holds a hackney carriage driver licence with this authority.
- 1.34 Mr Vincent operates from a base in East Devon.
- 1.35 Mr Vincent has two other vehicles currently licensed with this authority being:
- A Peugeot ETraveller which is approximately 10 months old and licensed to carry 7 passengers and,
 - a Land Rover Range Rover which is approximately 6 years and 10 months old and is licensed to carry 4 passengers

2 Background Information

- 2.1 There are 40 private hire vehicles currently licensed by East Devon District Council. These vehicles range in age (from date of first registration) from 10 months old to 10 years old as follows:

Age range	Number of vehicles licensed in this age bracket
Under 1 year	1
Between 1 and 2 years	2
Between 2 and 3 years	3
Between 3 and 4 years	2
Between 4 and 5 years	11
Between 5 and 6 years	6
Between 6 and 7 years	7
Between 7 and 8 years	4
Between 8 and 9 years	2
Between 9 and 10 years	1
Between 10 and 11 years	1

- 2.2 East Devon District Council's Hackney Carriage and Private Hire Licensing Policy does not exclude a vehicle from being licensed on renewal as a hackney carriage or private hire vehicle by reason of being more than 5 years old, provided that the vehicle was initially licensed by the Council and is continually licensed thereafter as either a hackney carriage or private hire vehicle. This is stated at section 11.5.1 of the policy.
- 2.3 The Policy does however prescribe additional checks for older vehicles that continue to be licensed and includes the following provisions:

Section 11.5.1 of the policy states that:

“Licensed vehicles of more than 8 years old shall only continue to be licensed subject to a satisfactory East Devon vehicle compliance report being obtained every 6 months from the date of licence issue. The test must be carried out by an authorised MOT examiner at a testing station approved by the Ministry of Transport, and must be conducted against an inspection checklist”.

Section 11.5.2 of the policy states that:

“Licensed vehicles over 14 years of age must be presented for inspection by a Licensing Officer prior to further renewal of the vehicle licence. In circumstances where a vehicle is not considered by an Officer to be of sufficient standard then the application will be referred to the Sub Committee of the Licensing and Enforcement Committee who will decide whether to grant the renewal of the vehicle licence. If an appointment for an inspection is not made prior to the vehicle licence renewal date, the licence will automatically expire”.

3 Conclusion

3.1 This vehicle was registered on the **27th March 2018** and is now **5 years and 3.5 months** old.

3.2 The vehicle is taxed and has a valid MOT and the applicant has provided a vehicle inspection report, AA vehicle test report and vehicle service history in support of the application.

3.3 As set out in paragraphs 1.3 – 1.11 of this report, the Council’s Hackney Carriage and Private Hire Licensing Policy requires that on initial licensing as a private hire vehicle a vehicle shall not be more than **5 years** old from the date of first registration as shown in the registration document.

3.4 This is a policy agreed by Members following, as in all cases of policy, consultation with the trade and other interested parties. Policy is more than advice and should not be disregarded unless exceptional circumstances apply.

3.5 The policy states that:

“Where exceptional circumstances may apply applications to licence vehicles that are more than 5 years old from the date of first registration as shown in the vehicle registration document will be considered by the District Council on a case by case basis. 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”.

3.6 It also states that:

“The Sub Committee will need to be satisfied that the vehicle is in exceptional condition for its age”.

3.7 Members should note that the presumption is that on initial licensing, licences will not be granted for vehicles over 5 years old but that each such application should be considered on its own merits.

3.8 It should also be noted that, if Members are minded to grant the application, they must be satisfied that the vehicle is in exceptional condition for its age and that exceptional circumstances apply. Factors that Members should consider include the condition of the vehicle when presented and the information included within both the report and the documentation listed in the appendices. Members will have the opportunity to hear from the applicant and inspect the vehicle.

3.9 If Members are unable to find grounds to make an exception the application should be refused.

- 3.10 When departing from policy Members should state clearly in their decision the grounds for making the exception.
 - 3.11 Members must not refuse the application for the purpose of limiting the number of private hire vehicle licences granted by East Devon District Council.
 - 3.12 Members may attach to the grant of a private hire vehicle licence such conditions as they may consider reasonably necessary in line with the provisions of Section 48 Local Government (Miscellaneous Provisions) Act 1976.
 - 3.13 If this application is refused the applicant has the right of appeal the decision to a Magistrates Court within 21 days.
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Financial implications:

There are no financial implications in this report. If the applicant appeals against the decision made there may be a possibility of court costs.

Legal implications:

The legal implications are contained within the report.