

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 21st February 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/a

Hackney Carriage Vehicle Suitability

Report summary:

To determine an application for the grant of a hackney carriage vehicle licence. The application is to licence a Nissan Primastar that was registered with the DVLA as an N1 light goods vehicle before being converted into a passenger vehicle. East Devon District Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that "vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle" and the Sub Committee are asked to consider whether the vehicle meets this policy requirement and determine the application.

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 for the grant of a hackney carriage vehicle licence and determine whether to grant the hackney carriage vehicle licence application (with or without additional conditions) or refuse to grant the hackney carriage vehicle licence application.

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 hackney carriage vehicle in line with legislative and policy requirements.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets

- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information:

1. [Town Police Clauses Act 1847](#)
2. [Local Government \(Miscellaneous Provisions\) Act 1976](#)
3. [East Devon District Council's Hackney Carriage and Private Hire Licensing Policy](#)
4. [Vehicle tax rates: Other vehicle tax rates - GOV.UK \(www.gov.uk\)](#)
5. [Individual Vehicle Approval \(IVA\) scheme guide \(publishing.service.gov.uk\)](#)
6. [IVA M1 Inspection Manual \(publishing.service.gov.uk\)](#)
7. [The Road Vehicles \(Approval\) Regulations 2020 \(legislation.gov.uk\)](#)
8. [MOT inspection manual: cars and passenger vehicles - Guidance - GOV.UK \(www.gov.uk\)](#)

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

1. Reason for Report

- 1.1. The Licensing & Enforcement Sub Committee is asked to determine an application for the grant of a hackney carriage vehicle licence.
- 1.2. Section 2.5.5 of East Devon District Council's Constitution states that, the Licensing & Enforcement Committee (or a Sub Committee upon delegation) will consider and determine applications for hackney carriage and private hire licences where the relevant officer considers that the matter merits the Committee's attention or is otherwise outside the scheme of delegation to officers.
- 1.3. The Sub Committee is asked to determine an application for a hackney carriage vehicle licence which the Licensing Officer considers merits the Sub Committee's attention and the Sub Committee is asked to consider whether the vehicle complies with the requirements set out in East Devon District Council's Hackney Carriage & Private Hire Vehicle Policy.
- 1.4. The application is referred to the Sub Committee because although the vehicle has passed all mandatory requirements for licensing as a hackney carriage, the vehicle

specification differs to usual policy in that the vehicle was manufactured as an N1 light goods vehicle and registered with the DVLA prior to being converted into a 9-seater passenger vehicle.

- 1.5. The Sub Committee is asked to consider whether the applicant has provided sufficient evidence to demonstrate that the vehicle was safely converted to comply with M1 passenger vehicle standards and whether they are satisfied that, were the vehicle to be licensed as a hackney carriage, public safety would not be compromised. The Sub Committee is asked to consider whether the documentation provided by the applicant and the Basic Individual Vehicle Approval (IVA) Test completed at a DVSA approved test station is sufficient to indicate approved M1 certification.

2. Application Information

- 2.1. The Licensing Authority always recommend that vehicle proprietors contact the Licensing Team before purchasing a vehicle intended for use as a hackney carriage or private hire to ensure that there is nothing that would prohibit that vehicle from meeting the requirements of East Devon District Council's Hackney Carriage and Private Hire Licensing Policy.

- 2.2. In this instance the Licensing Authority were not consulted prior to purchase and an application for the initial grant of a hackney carriage vehicle licence was received from Mr Marcin Przyborowski on the 9th November 2023.

- 2.3. A copy of the application form is attached at **APPENDIX A** of this report and the following mandatory documents were provided by the applicant in support of the application:

- 2.3.1. A copy of the V5 vehicle registration certificate. This can be viewed at **APPENDIX B** of this report.

- 2.3.2. A copy of the MOT pass certificate which confirms that the vehicle passed an MOT test on the 6th November 2023 and which contains no advisory information. This can be viewed at **APPENDIX C** of this report.

- 2.3.3. A copy of the vehicle insurance certificate confirming that the vehicle is insured for use for public hire, including the carriage of passengers and goods for hire and reward. This can be viewed at **APPENDIX D** of this report.

- 2.3.4. A copy of a vehicle inspection report form completed and signed by a MOT registered garage on the 7th November 2023. This can be viewed at **APPENDIX E** of this report.

- 2.3.5. Photographs of the vehicle. These can be viewed at **APPENDIX F** of this report.

2.3.6. A Certificate of Conformity from Van-Formers which states: *“the certificate is to certify that the seats fitted in the vehicle have been fitted with approved over and underfloor strengthening kits and have been fitted by an approved installer”*. The Certificate of Conformity can be viewed at **APPENDIX G** of this report.

2.4. In addition, the Licensing Officer carried out a check on the vehicle which confirmed that vehicle is not an insurance write off.

3. Vehicle Specification

3.1. The V5 vehicle registration certificate provided the following information about the vehicle:

3.1.1. The V5 confirmed the vehicle was registered to the applicant, Mr Marcin Przyborowski.

3.1.2. The V5 described the vehicle as a: black Nissan Primastar, vehicle registration number: WJ23 PVF.

3.1.3. The V5 gave the date of first registration of the vehicle as the 28th March 2023. At the time of the Sub Committee hearing the vehicle will be approximately 11 months old and therefore sits well within East Devon District Council’s policy requirements in relation to vehicle age (which require vehicles to be less than 5 years old on initial licensing).

3.1.4. The V5 described the vehicle as having a cylinder capacity of 1997cc and CO2 emissions of 187 g/km.

3.1.5. The V5 listed the vehicle as having a: vehicle type approval category of: “N1”, a vehicle body type of: “Panel Van” and the taxation class: “Light Goods Vehicle”.

3.1.6. The V5 stated the vehicle seating capacity as “3 including driver” however the Licensing Officer noted from the photographs supplied by the applicant that the vehicle in fact appeared to have 9 seats including the driver. An 8 passenger seating capacity had also been declared by the applicant on the application form.

4. Background information relating to vehicle specification

4.1. The following information regarding vehicle type approval categories, vehicle body types and vehicle taxation classes is provided for the Sub Committee’s information.

Vehicle Type Approval Categories:

4.2. The Vehicle Certification Agency defines vehicle type approval as:

“The confirmation that production samples of a type of vehicle, vehicle system, component or separate technical unit will meet specified performance standards”.

- 4.3. The Driver & Vehicle Standards Agency (DVSA) give further information about why vehicles need type approval and the various ways of obtaining approval in their “Individual Vehicle Approval Scheme Guide”. This can be viewed using the link at **number 5 in the links to background information** at the beginning of this report.
- 4.4. The vehicle subject to this report was registered with the DVLA as conforming to N1 vehicle type approval category standards. A category N1 vehicle type is defined as: *“a vehicle with 4 or more wheels used for the carriage of goods and having a DGW (design gross weight) not exceeding 3,500kg”*. Design gross weight is the maximum gross weight that the vehicle was designed to operate at by the manufacturer and the DGW is normally found on the manufacturer’s plate fixed to the vehicle.
- 4.5. All existing hackney carriage and private hire vehicles licensed by East Devon District Council are currently registered with the DVLA under vehicle type approval category “M1”. An M1 vehicle is defined as *“a vehicle with 4 or more wheels used for the carriage of passengers, with no more than 8 passenger seats in addition to the driver’s seat”*.

Body type:

- 4.6. The body type information held on the vehicle registration certificate describes a vehicle’s appearance. This description (as well as other recognisable features) allows enforcement agencies to easily identify vehicles. The body type does not affect the insurance category of the vehicle or have any effect on speed limits or other legislative requirements but is used for establishing vehicle appearance and identification. As a general description, a panel van is a regular van, usually without rear windows, side windows or rear seating, primarily used for the commercial transport of goods. They typically have no rear or side windows to keep potentially valuable goods well-hidden and have solid panels where the side and rear windows would usually be located.

Taxation classes:

- 4.7. Vehicles are classified for tax purposes according to their construction and the purpose for which they are used. One of the taxation classes is “Light Goods Vehicle” and this class is defined as “N1 vehicles designed for the carriage of goods and not exceeding 3,500kg revenue weight”. Light goods vehicles pay a different rate of tax to M1 passenger vehicles and full details of the tax requirements for N1 vehicles can be viewed on the DVLA’s website using the link at **number 4 in the links to background information** at the beginning of this report.

5. Further information provided since initial application

- 5.1. Upon receipt and review of the application, the Licensing Officer queried with the applicant the N1 vehicle type approval category and seating capacity listed in the V5 vehicle registration certificate.
- 5.2. The applicant informed the Licensing Officer that the vehicle was converted into a passenger vehicle after having been registered with the DVLA and stated that the Certificate of Conformity from Van-Formers dated 2nd November 2023 provided details of the conversion.
- 5.3. The Licensing Officer advised the applicant that it was the Council's policy that vehicles converted from vans with a type approval other than M1 would not be acceptable unless they were presented with approved M1 certification for the resultant vehicle. The Licensing Officer also advised the applicant that it was the Council's policy that, if the vehicle has been registered with the DVLA and issued with the appropriate registration index number, no change, structural alteration or rearrangement of detail should be carried out unless the vehicle had received subsequent M1 Whole Type Approval.
- 5.4. The Licensing Officer advised the applicant to obtain an updated V5 vehicle registration certificate from the DVLA to reflect the change to the vehicle type approval category and registered seating capacity, to satisfy the policy requirements and demonstrate that the conversion was safe and complied with M1 standards.
- 5.5. The applicant contacted the DVLA and a copy of the DVLA's response dated 4th December 2023 is attached to this report at **APPENDIX H**. The DVLA re-issued the V5 vehicle registration certificate on this date and a copy of the updated V5 is included at **APPENDIX I** of this report. The Sub Committee is asked to note that, while the V5 had been updated to show a seating capacity of 9 seats including driver, no other details had been updated and the vehicle was still shown as a category: "N1" with the body type: "Panel Van" and the taxation class: "Light Goods Vehicle".
- 5.6. Upon receipt of the updated V5, the applicant told the Licensing Officer that the DVLA had stated they would not amend the vehicle type to M1 on the vehicle registration certificate as this was not standard practice. The Licensing Officer contacted the DVLA to discuss this and the DVLA confirmed that once a vehicle had been registered as being a specific vehicle type there was no process under which they could consider updating the vehicle registration certificate to change this.
- 5.7. The Sub Committee is asked to note that the Licensing Officer is aware that other Licensing Authorities have experienced similar reluctance from the DVLA to update V5 vehicle registration certificates to reflect a change in vehicle type.

5.8. At this time, the Licensing Officer informed the applicant that additional steps would need to be taken to ensure as far as possible that the vehicle complied with the requirements of an M1 category vehicle. The Licensing Officer also informed the applicant that the vehicle application could not be granted by a Licensing Officer and would have to be considered by a Sub Committee of the Licensing & Enforcement Committee who would determine whether to grant or refuse the application. The applicant confirmed they still wished to proceed with the application.

6. Information from the Manufacturer and Conversion Company

6.1. At the request of the applicant, the Licensing Officer discussed the application and vehicle specification with both South West Nissan (the car dealership) and Van-Formers who had carried out the vehicle conversion.

6.2. Van Formers advised the Licensing Officer that vehicle registration WJ23 PVF had been brought to them as an empty panel van and that, to convert the vehicle to be suitable for passengers, they had added windows, carpets, and seats to the vehicle.

6.3. Van-Formers provided the Licensing Officer with further information regarding this in an email dated 12th December 2023 and a copy of the email can be found at **APPENDIX J** of this report.

6.4. South West Nissan advised the Licensing Officer that Nissan previously manufactured and sold a factory built 9-seater minibus called an “NV300 Combi” as an M1 passenger vehicle but that, due to difficulty in obtaining components, Nissan no longer manufactured this model of vehicle and now recommended prospective purchasers looking for a minibus purchase a Nissan Primastar Van and have it converted into a passenger vehicle.

6.5. South West Nissan advised that, when they previously manufactured the NV300 Combi model, it was built as a Nissan Primastar Van at factory, converted to an NV300 combi minibus with seats added and subsequently registered with the DVLA as a category M1 vehicle. Nissan explained that therefore the underlying structure, suspension, chassis and engine of the NV300 Combi Minibus M1 vehicle was very similar to that of the Nissan Primastar N1 vehicle.

6.6. South West Nissan provided further information regarding this in an email dated 14th December 2023 and attached the specifications for both vehicle models. A copy of that email and attachments can be found at **APPENDIX K** of this report.

6.7. Following these discussions, the Licensing Officer asked the applicant whether they would be willing to put the vehicle through a “Voluntary Basic Individual Vehicle Type Approval Test” (IVA) with the DVSA.

7. Individual Vehicle Type Approval

- 7.1. The Sub Committee's attention is again drawn to the Driver & Vehicle Standards Agency's "Individual Vehicle Approval (IVA) Scheme Guide" and this can be viewed at **number 5 in the links to background information** at the beginning of this report.
- 7.2. The following paragraphs from that guidance are replicated here for ease of reference and give an overview on the IVA scheme:
- 7.3. *IVA is a UK National approval scheme for vehicles and trailers imported, assembled or manufactured in very small numbers or as individual vehicles e.g. amateur built cars, bespoke trailers etc. It is a means of checking that vehicles broadly meet the technical requirements laid out in European legislation, ensuring that they have been designed and constructed to modern safety and environmental standards. The IVA scheme is the least onerous certification route in terms of compliance and is less costly but does involve a physical inspection of each individual vehicle requiring approval at a DVSA site in Great Britain. Satisfactory completion of an inspection results in the issue of an Approval certificate.*
- 7.4. *Vehicles submitted for IVA inspections need to demonstrate that they generally comply with the technical provisions of Directive 2007/46/EC. The IVA scheme checks that vehicles constructed for non-European markets comply with UK law. Even vehicles which appear outwardly similar to European specification models, but are intended for other markets, can often prove unsuitable for use in the United Kingdom without at least some modification. The scheme ensures that these vehicles have been designed and constructed to modern safety and environmental standards and helps make sure that they are safer on the road and have a lower impact on the environment.*
- 7.5. When determining which type of IVA examination would be most suitable, the Licensing Officer took the following information into account:
- 7.6. If a vehicle is registered with the DVLA, then unless it is "radically altered" and given a new vehicle identification number it can only have a Voluntary IVA Examination and the DVSA state on their website that "*vehicles used for "taxi" work may require this examination*".
- 7.7. In addition, the Licensing Officer sought advice from the DVSA in relation to which type of IVA would be most suitable to confirm an N1 vehicle's compliance with M1 vehicle standards and the DVSA advised that vehicles that have been converted after UK registration are only eligible for a Voluntary IVA, for which a Certificate of Compliance is issued for a successful voluntary test.
- 7.8. They advised that the provisions of the Road Vehicles (Approval) Regulations 2020 do not apply to a voluntary application but that: "*an assessment of the vehicle's ability to comply with the technical schedules will be made and only where the vehicle complies*

fully with the technical requirements will a “Confirmation of Compliance” be issued. Statutory functions such as the validation of weights, fuel consumption figures etc do not apply to a voluntary application.”

- 7.9. The DVSA advised that a voluntary test could be conducted on a registered vehicle of any age and confirmed that, if the test was successful, the resulting Certificate of Compliance would include a statement indicating that the vehicle was subject to the same test criteria as a vehicle subject to Statutory IVA.
- 7.10. The Licensing Officer made further enquiries as to whether a “Basic” or “Normal” IVA would be most suitable and was advised by the DVSA that, whilst this is at the discretion of the Licensing Authority, many Licensing Authorities who already used the IVA scheme for ‘approval’ of Hackney carriage or private hire vehicles tended to advise applicants to select ‘basic’ IVA because, despite the name the ‘basic’, this IVA offers a more comprehensive inspection of the actual vehicle build.
- 7.11. The Licensing Officer enquired with the DVSA as to whether the applicant should apply using the application form for M1 passenger vehicles or the application form for N1 light goods vehicles and was advised that, when a voluntary IVA test was undertaken, the vehicle would be assessed against the requirements of the category of IVA applied for (N1 or M1) and the resulting Certificate of Compliance issued in respect of a successful IVA inspection would indicate as such. They advised that the Certificate of Compliance would have a box marked ‘Passenger/Goods’ for the examiner to populate indicating the vehicle category as inspected.
- 7.12. In addition, the application form for M1 passenger vehicles states that: *“a goods vehicle can be considered as an M1 category passenger vehicle and tested as a passenger vehicle if it meets the following criteria; has at least 4 seats, a gross vehicle weight of not more than 6500kgs and (c) a load area not exceeding 40% of the vehicle length.”*
- 7.13. The applicant was therefore asked to apply for Basic Voluntary Individual Vehicle Approval using the application form for M1 passenger vehicles and was asked to specify in the application form that the vehicle was a goods vehicle requiring a passenger vehicle test. The DVSA’s “Individual Vehicle Approval (IVA) Inspection Manual for Passenger Vehicles (M1)” provides a detailed guide on the examination of vehicles submitted to an authorised testing station under the Individual Vehicle Approval Scheme and can be viewed using the link at **number 6 in the links to background information** at the beginning of this report.
- 7.14. The applicant agreed to put the vehicle through Basic Voluntary Individual Vehicle Approval and made an application using the M1 passenger vehicle application form as requested.
- 7.15. The vehicle was subsequently examined at a DVSA testing station on the 29th January 2024 and following the examination the applicant provided the Licensing Officer with

an Individual Vehicle Approval Confirmation of Compliance. A copy of the Confirmation of Compliance can be viewed at **APPENDIX L** of this report.

- 7.16. The Confirmation of Compliance stated that *“the vehicle had been examined in accordance with the criteria applicable to an application for an Individual Approval Certificate”* and confirmed that on the date of the examination, the vehicle *“complied with the requirements specified in Schedule 2 Part 2 in respect of a “Basic” IVA of The Road Vehicles (Approval) Regulations 2020”*.
- 7.17. Schedule 2 Part 2 of “The Road Vehicles (Approval) Regulations 2020” can be viewed using the link at **number 7 in the links to background information** at the beginning of this report.
- 7.18. The second page of the Confirmation of Compliance states that:
“This Confirmation of Compliance is not an Individual Approval Certificate. It is not a legal document and does not provide evidence of compliance acceptable in respect of the first licensing/registration of this vehicle. The examination of the vehicle leading to the issue of this document is not subject to the provisions of the Road Vehicles (Approval) Regulations 2020”.
- 7.19. This was queried with the DVSA who advised that an IVA Certificate can only be issued when the vehicle has undergone a Statutory IVA test (rather than a Voluntary IVA test), which in turn can only be applied to vehicles that meet the criteria for statutory IVA – which in the case of an N1/M1 vehicle is a vehicle under ten years old that is not yet registered in the UK.
- 7.20. The vehicle in question had been registered in the UK prior to undertaking the IVA and therefore was only eligible for a voluntary IVA test. The DVSA advised that an embossed Certificate of Compliance was issued for a successful voluntary test and the vehicle would have been subject to the same test criteria as a vehicle subject to Statutory IVA.
- 7.21. The “Category (Passenger/Goods)” box on the Certificate of Compliance indicates that the vehicle was subject to an examination under the vehicle category “M1 Passenger Vehicle”.

8. Further relevant information

- 8.1. The Sub Committee is also asked to note that type N1 vehicles are subject to lower speed limits than M1 passenger vehicles. The speed limit for N1 light goods vehicles on a single carriageway is 50 mph as opposed to 60 mph for an M1 car. The speed limit for N1 light goods vehicles on a dual carriageway is 60mph as opposed to 70mph for an M1 car.
- 8.2. In addition, N1 vehicles could be subject to differing MOT requirements.

- 8.3. The DVSA describes the purpose of an MOT test as being to “*ensure that cars, other light vehicles (including some light goods vehicles), private buses and motor bicycles over a prescribed age are checked at least once a year to see that they comply with roadworthiness and environmental standards.*”
- 8.4. The vehicles subject to MOT test under the regulations are divided into various classes and include:
- 8.4.1. Class 4. Class 4 vehicles can be:
- 8.4.1.1. Cars, passenger vehicles, motor caravans, private hire vehicles, motor tricycles, quadricycles, and dual purposes vehicles in all cases with up to eight passenger seats.
 - 8.4.1.2. Goods vehicles not exceeding 3,000 kg design gross weight (DGW)
 - 8.4.1.3. Taxis and ambulances with up to eight passenger seats
 - 8.4.1.4. Passenger vehicles, ambulances, motor caravans and dual purpose vehicles with nine to twelve passenger seats
- 8.4.2. Class 7. Class 7 vehicles are goods vehicles over 3,000 kg up to and including 3,500kg DGW and will be category N1.
- 8.5. An MOT pass certificate had been provided by the applicant for the vehicle subject of this report and the Licensing Officer made further enquiries with the applicant to confirm against which class of MOT the vehicle had been tested and whether the same checks were undertaken as for an M1 passenger vehicle.
- 8.6. The MOT garage provided a response to these queries and a copy of their email is included at **APPENDIX M** of this report.
- 8.7. The DVSA’s “MOT Inspection Manual for Cars and Passenger Vehicles” details the inspection processes and rules for car, private bus and light commercial vehicle (class 3,4,5 and 7 vehicle) MOT tests. This inspection manual can be viewed using the link at **number 8 in the links to background information** at the beginning of this report.

9. Legislation

- 9.1. The District Council is responsible for the regulation of hackney carriage and private hire licensing 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.
- 9.2. Section 37 of the Town Police Clauses Act 1847 gives a power to the District Council to licence hackney carriages. It gives the District Council discretion to grant or refuse hackney carriage vehicle licence applications and states that:

37 *Hackney Carriages to be licensed.*

The commissioners may from time to time licence to ply for hire within the prescribed distance, or if no distance is prescribed, within five miles from the General Post Office of the city, town or place to which the special Act refers, (which in that case shall be deemed the prescribed distance,) such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as they think fit.*

(*the reference to the prescribed distance is now a reference to the area of the district council)

- 9.3. Section 38 of the Town Police Clauses Act 1847 provides a definition of a hackney carriage vehicle and states that:

38 *What to be hackney carriages. Proviso as to stage coaches*

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; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe any such carriage:

Provision always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

- 9.4. In addition, section 47 of the Local Government (Miscellaneous Provisions) Act 1976 states that:

47 *Licensing of hackney carriages.*

(1)A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

(2)Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

(3)Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

10. East Devon District Council's Hackney Carriage and Private Hire Licensing Policy

- 10.1. 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 (referred to throughout this report 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, adopted by Full Council on the 26th July 2017 and came into force on the 27th July 2017.
- 10.2. 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.
- 10.3. The policy is kept under constant review and was last updated on the 1st November 2023 to bring it fully in line with the Statutory Taxi and Private Hire Vehicle Standards. This update was carried out following consultation with the Licensing & Enforcement Committee and following approval by Full Council on the 18th October 2023.
- 10.4. The full Hackney Carriage & Private Hire Licensing Policy can be viewed using the link at **number 3 in the links to background information** at the beginning of this report and member's attention is drawn to section 11.2.1 which states the following with regard to vehicle type categories vehicles converted from vans:

11.2.1 Vehicle specifications

"Licensed vehicles must be of manufacturers' specification and shall comply in all respects with the Motor Vehicle (Type Approval Regulations 1980), Motor Vehicle (Type Approval) Regulations 1984 and the Road Vehicles Construction and Use Regulations 1986. In addition, all vehicles must comply in all respects with all the British and European vehicle regulations which apply to that type of vehicle and be a type that complies with the requirements of the M1 category of European Whole Type Approval 70/156/EEC as amended. Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle. If the vehicle has been registered with the DVLA and issued with the appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out unless the vehicle has received subsequent M1 Whole Type Approval."

11. Conclusion

- 11.1. The Sub Committee is asked to consider and determine an application for the grant of hackney carriage vehicle licence for a black Nissan Primastar, vehicle registration WJ23 PVF. The vehicle has been registered with the DVLA as an N1 type category vehicle and converted to a passenger vehicle after registration.
- 11.2. The Sub Committee are asked to consider East Devon District Council's Hackney Carriage and Private Hire Vehicle Policy and in particular section 11.2.1 set out number 10.4 of this report.

- 11.3. Giving regard to this section of the Policy, the Sub Committee are asked to determine whether the additional documents provided by the applicant are sufficient to demonstrate that approved M1 certification has been provided and that the vehicle has been safely converted.
- 11.4. 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.
- 11.5. The overriding consideration is public safety and members are asked to consider whether they are satisfied that if a hackney carriage vehicle licence was granted, public safety would not be compromised.
- 11.6. The options available to the Sub Committee when determining the application are to:
 - 11.6.1. Grant the application for a hackney carriage vehicle licence as applied for
 - 11.6.2. Grant the application for a hackney carriage vehicle licence and attach to the vehicle licence such conditions as they may consider reasonably necessary in line with the provisions of Section 47 (1) Local Government (Miscellaneous Provisions) Act 1976
 - 11.6.3. Refuse the application for a hackney carriage vehicle licence
- 11.7. If the Sub Committee determines to grant the application, members may wish to give consideration to whether a further approach should be made to the DVLA to ask whether the vehicle “body type” can be updated on the V5 vehicle registration certificate.
- 11.8. Should the application be refused the applicant has the right to appeal the decision to a Crown Court within 21 days.
- 11.9. Should the application be granted with conditions added to the hackney carriage vehicle licence, the applicant has the right to appeal the decision to a Magistrates’ Court within 21 days.

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 observations are contained within the report and require no further comment.