

Report to: **Licensing and Enforcement Sub Committee**

Date of Meeting: 18 September 2019

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 6

Subject: **Determination of an application to licence a Private Hire vehicle which does not conform with the Council's vehicle specifications policy with regard to engine capacity**

Purpose of report: It is the district council's current policy that on initial licensing as a private hire, a vehicle must not be less than 1000cc. The policy recognises the positive impact that low and zero emission vehicles have on the environment.

Recommendation: That the Sub Committee considers the application to licence a black Nissan Leaf vehicle registration number, WJ19 MHF as a private hire vehicle and determine whether to refuse the application or make an exception to the Council's present policy and agree to licence the vehicle. Being a hybrid electric vehicle it falls outside of the criteria in the policy agreed by Council being below 1000cc engine capacity.

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.

Officer: Lucy Maxwell, Licensing Officer

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.

Equalities impact: Low Impact

Risk: Low Risk

- Links to background information:**
- Appendix A - Application for the Grant of a Private Hire Vehicle Licence for vehicle registration WJ19 MHF
 - Appendix B - GOV.UK status for vehicle registration WJ19 MHF showing Zero Emissions
 - Appendix C - GOV.UK MOT status for vehicle registration WJ19 MHF

Background Papers

Minutes of Tourism and Transportation Committee, March 1994

[East Devon Taxi & Private Hire Policy](#)

Link to Council Plan: Living in, working in and enjoying this outstanding place

Main Body of the Report

1.1 The licensing of hackney carriages and private hire vehicles is the responsibility of the council and is governed mainly by legislation under 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:**

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.

1.3 In support of this application the following documentation has been produced:

- Appendix A - Application for the Grant of a Private Hire Vehicle Licence
- Appendix B - GOV.UK status for vehicle WJ19 MHF showing Zero Emissions

- 1.4 The vehicle is described in the registration document produced at **Appendix A** as a black Nissan Leaf registration number WJ19 MHF. The body type is described as a four door saloon this being an electric vehicle rather than diesel or petrol fuel therefore having an engine cylinder capacity of 0cc. The first registration is shown in the registration document as being March 2019.
- 1.5 A check has been carried out on the DVLA website which shows that the vehicle does not require vehicle excise licence (tax) as it has an emission output of zero.
- 1.6 The applicant Mr Bakos intends to obtain licences for PH driver, vehicle and operator with this authority and has not previously held a licence.
- 1.7 The vehicle has been shown to East Devon Licensing Officers prior to the application being received and upon examination the vehicle appeared to be in excellent condition and being almost new in condition and age.
- 1.8 The vehicle's configuration is: driver's seat and one passenger seat in the front. In the rear compartment there are three forward facing seats.
- 1.9 If members see fit to licence the vehicle Mr Bakos asks that the vehicle is licensed for 4 passengers.
- 1.10 The vehicle will be produced by the applicant at the Council Offices on the day of the hearing to enable Members the opportunity to inspect it.
- 1.11 The online emissions and tax status of this vehicle is provided at **Appendix B** and the MOT status at **Appendix C**.

2 Background Information

- 2.1 In July 2017 the Council's Taxi and Private Hire Vehicle policy specifies that on initial licensing as a private hire vehicle a vehicle shall not be less than 1000cc. The engine capacity was specified in relation to petrol and diesel powered vehicles. This is a policy agreed by members following, as in all cases of policy, consultation with the trade.
- 2.2 The licensing authority also reviews the Council's Taxi and Private Hire Vehicle policy and where appropriate revisions are considered. The continuing requirement that all vehicles meet a minimum engine capacity requirement of 1000c will automatically bar vehicles that electrically powered with ultra-low or zero carbon emissions. Whilst the current policy specifies the Council will give "special consideration" to such vehicles, it is necessary to refer this application to the Licensing and Enforcement Sub-Committee as the engine specification does not allow determination by officers until further revision to the policy.
- 2.3 The policy acknowledges that "low emission vehicles such as hybrids and electric vehicles can have a positive impact on the environment and these will be given special consideration if they do not meet the Council's criteria in respect of the minimum engine size." That aside until such time that the current policy is revised, it does not provide officers with the power to depart from it and therefore this application is referred to the members.
- 2.4 Since implementation of the Council's Taxi and Private Hire Vehicle policy, the take up and popularity of ultra-low and zero emission vehicles has increased significantly.

- 2.5 The new Council at East Devon has identified climate change as being a priority and will be reflected in the new Council Plan in conjunction with delivering greener policies as a priority. The intention to licence taxi and private hire vehicles with low or zero emissions is driven by central Government with further changes imminent to include collection of data regarding emissions for all taxis and private hire vehicles.
- 2.6 Of the existing 24 private hire vehicles licensed at present, none are under the engine capacity requirement of 1000c and if this application is granted, this would be the first electrically powered vehicle licensed by East Devon. The Licensing Enforcement Committee expressed at its last meeting an intention to promote carbon neutrality. The introduction of licensed ultra-low and zero emission vehicles as taxi or private hire vehicles is considered as beneficial to the environment and the residents of East Devon.

3 Conclusion

- 3.1 The vehicle subject of this application supports the priorities of the Council as a potential licensed private hire vehicle. It is only the matter of the current engine specifications in the Council's Taxi and Private Hire Vehicle policy requiring a minimum of 1000cc that prevents officers from determining and issuing the licence.
- 3.2 Members will have the opportunity to hear from the applicant and to inspect the vehicle.
- 3.3 The vehicle appears in excellent condition and is less than six month from registration.
- 3.4 Should members be minded to grant this application it is requested that the decision should include a requirement for the applicant to provide, before the vehicle is licensed, a current insurance certificate specifying that the vehicle is insured for '*use by authorised persons for the carriage of passengers or goods for hire or reward by prior arrangement/booking only*' or similar. The cost of obtaining insurance is high and not usually obtained by applicants until being granted a licence.
- 3.5 If this application is refused the applicant has the right of appeal the decision to a Crown Court within 21 days.