

**Report of the Head of Planning and Local Development**

**APPLICATION FOR AN EXEMPTION FROM THE VEHICLE AGE POLICY RELATING TO PRIVATE HIRE VEHICLES**

**1 Purpose of Report**

- 1.1 To obtain the Committee's decision in respect of an application for an exemption from the council's vehicle age restriction policy relating to private hire vehicles.

**2 Executive Summary**

- 2.1 This report sets out the background to the issue and invites the Sub-Committee to determine the application.

**3 Appendices**

- 3.1 None

**4 Proposed Action:**

- 4.1 The Sub-Committee is invited to RESOLVE to determine whether the private hire vehicle licence should be granted**

**5 Background**

- 5.1 Mr Khalid Aslam has applied to licence a vehicle as a private hire vehicle.
- 5.2 The vehicle Mr Aslam has applied to licence is a silver Vauxhall Zafira, which was first registered on 7<sup>th</sup> February 2005, so is over 11 years old. The policy covering the licensing of private hire vehicles states that vehicles shall be no older than 5 years from the first day of registration on the initial application to the Borough Council of Wellingborough. There is currently no upper age limit once a vehicle is licensed.
- 5.3 Officers may grant but not refuse an application for a private hire vehicle licence. Refusal is a matter for Members of the Licensing Sub-Committee to determine.

**6 Discussion**

- 6.1 The Council's Operational Policy and Conditions Governing Taxi and Private Hire Licensing provides at section 20 of Appendix B:

*AGE LIMITS*

- 20.1 *Vehicles shall be no older than 5 years from the first day of registration on the initial application to the Borough Council of Wellingborough for a Private Hire Vehicle Licence. The first date of registration will be as shown on the vehicle registration document, which may not necessarily be the first date it is registered with the DVLA (e.g. may previously have*

*been registered abroad.) An exemption will be allowed at the discretion of the Licensing Manager for Executive Cars or Special Occasion cars used on an infrequent basis.*

20.2 *A licensed vehicle older than 5 years which has not passed its annual test on or before the date of expiry of its current vehicle licence will not be reconsidered for licensing.*

20.3 *Those vehicles submitted for licensing, or re-licensing, are required to pass a vehicle compliance test on the relevant data. Those vehicles which fail a compliance test shall not be used for private or public hire until such time as the vehicle passes the compliance test.*

6.2 Members should note that the age restriction in the policy was retained as a result of responses received to the public consultation exercise that preceded adoption of the policy by the council. The consultation responses were overwhelmingly in favour of retaining the age limit on the basis that it would improve the condition of the fleet and be beneficial to the environment. The council only received one response in favour of removing this restriction and this was in relation to Executive/Special Occasion vehicles.

6.3 The age restriction policy encourages the use of newer, safer, and more reliable vehicles. Although there is currently no upper age limit for vehicles once licensed, they are subject to twice yearly mechanical and licensing checks at the council approved garage, but the vehicle that Mr Aslam has applied to licence is unknown to the authority.

6.4 The vehicle is silver in colour. The council's Operational Policy and Conditions Governing Taxi and Private Hire Licensing, provides at section 1.4 of Appendix C:

*The vehicle shall be:*

A. *a four-door saloon car, **yellow in colour**, with adequate seating accommodation for, not less than, four adult passengers in addition to the driver;*

6.5 The vehicle will therefore be required to be sprayed yellow if the licence is granted, to comply with licensing conditions.

## 7 **Legal Powers**

7.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

48(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.

- 7.2 Members are reminded that in order to satisfy Article 6(1) of the Human Rights Act 1998 they should give written reasons for decisions refusing or revoking licences. Reasons need not be fully detailed, but must be sufficiently clear to enable the recipient to exercise any statutory right of appeal or assess whether there are grounds for challenging the decision by way of judicial review. Any person aggrieved by a decision of a district council under the Local Government (Miscellaneous Provisions) Act 1976 may appeal to a Magistrate's Court.

## **8 Financial and Value For Money Implications**

- 8.1 There are no such implications arising from this report.

## **9 Risk Analysis**

- 9.1 Normally a risk table is completed for any report setting out a proposed course of action. This is not appropriate here so the table has not been completed.

## **10 Implications for Resources**

- 10.1 Officer time in giving effect to the decision of the Sub-Committee.

## **11 Implications for Stronger and Safer Communities**

- 11.1 There are no such implications arising from this report.

## **12 Implications for Equalities**

- 12.1 There are no such implications arising from this report.

## **13 Author and Contact Officer**

Amanda Wilcox, Principal Health Protection Manager

## **14 Consultees**

Matt O'Donnell, Team Leader Health Protection

## **15 Background Papers**

- 15.1 None

