

21 September 2016		ITEM: 4
Licensing Sub-Committee		
DETERMINATION OF A NEW PRIVATE HIRE VEHICLE APPLICATION		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Laura Manning – Licensing Officer		
Accountable Head of Service: Andrew Millard – Head of Planning and Growth		
Accountable Director: Steve Cox - Corporate Director of Environment and Place		
This report is exempt: It is not to be published by virtue of Part 1 of Schedule 12 Local Government Act 1972 because it contains information relating to an individual.		
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Date of notice given of exempt or confidential report: Not applicable		

Executive Summary

Mr John Richmond has submitted an application for a Private Hire vehicle licence. The proposed vehicle falls outside the pre-licensing standards contained within the Hackney Carriage and Private Hire Vehicle Specification and Licence Conditions.

1. RECOMMENDATIONS:

1.1 The Sub-Committee agrees:

- (a) That there are exceptional circumstances to depart from its policies and approves the vehicle in respect of a Private Hire vehicle licence; or
- (b) To refuse to grant the vehicle application as it does not meet the pre licensing criteria; or
- (c) Any other decision deemed appropriate by the licensing sub-committee.

2. Introduction and Background:

2.1 On 5th September 2016 John Richmond of 14 Hope Avenue, Stanford Le Hope, Essex, SS17 8DH submitted a new application for a Private Hire Vehicle licence. The application form, logbook and MOT are attached at **Appendix A**.

2.2 The vehicle is a Ford Mondeo, registration AV11 YYW. The vehicle was first registered on 31 July 2011; therefore it does not meet the Private Hire Vehicle Pre-Licensing Standards in relation to section 1.1, which states:

1.1. When first submitted for licensing, must be less than 4 years of age.

A copy of Thurrock Council's vehicle policy is attached at **Appendix B**.

2.3 The vehicle was previously licensed as a Private Hire Vehicle by Thurrock Council between 7 May 2015 and 3 March 2016. A renewal application for the vehicle licence was not submitted and therefore the licence expired.

2.4 On 1 March 2016, prior to the vehicle renewal, Mr Richmond contacted the Licensing Department to advise he was suffering from an illness and undergoing treatment which meant he was not driving. Mr Richmond was advised that if the licence expired he could attend a sub-committee hearing in order to request the vehicle to be re-licensed.

2.5 The vehicle completed a compliance check at Thurrock Council's Fleet Management garage on 13 September 2016. An update of the result of the check will be given at the hearing.

3. Issues, Options and Analysis of Options:

3.1 John Richmond's vehicle is a non-wheelchair accessible Private Hire vehicle.

3.2 The Council's current Private Hire Vehicle policy does not prejudice the ability of the licensing authority to take into account all the appropriate circumstances of a particular application in reaching its decision. Where it finds in an individual case that there are exceptional circumstances the authority may grant a licence for a vehicle that falls outside its normal criteria.

4. Reasons for Recommendation:

4.1 These are the options available to the Sub-Committee.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 No consultation is required or undertaken.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accounts

There are no financial implications associated with the report

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor - Litigation & Employment

As the Licensing Authority, Thurrock Council is empowered to determine applications of this nature. This is an application to consider a licence outside of the Council's policies, but the Council retains discretion to consider such applications and whether it should deviate from its published policies.

The Council is guided by the provisions contained in s.48 of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant has the right under section 51 of the 1976 Act to appeal the decision of the Licensing Sub-Committee to the Magistrates Court.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

The Council is under a statutory duty to ensure that all relevant legislation is considered. The Council must give due regard to the provisions of Section 48

of the Local Government (Miscellaneous Provisions) Act 1976, which sets out that the Council must be satisfied that the vehicle meets the relevant licensing criteria (suitable, safe and comfortable) before they grant a licence. However, consideration can be given to any exceptional circumstances. Therefore it would be entirely consistent with principles of equality for the authority to either grant or refuse to grant a licence in this case, based on a full consideration of the facts.

7.4 **Other implications** (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

The implications of Section 17 of the Crime and Disorder Act 1998 have been considered and can be found in 6.1 above.

8. **Background papers used in preparing the report:**

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Road Safety Act 2006 Section 52

9. **Appendices to the report:**

- Appendix A - Application form, logbook and MOT
- Appendix B – Hackney Carriage & Private Hire Vehicle Specification and Licence Conditions

Report Author:

Laura Manning
Licensing Officer