

# LICENSING REGULATORY COMMITTEE

## TOWN POLICE CLAUSES ACT 1847

### HACKNEY CARRIAGE LICENSING – REQUEST FOR A HACKNEY CARRIAGE LICENCE FOR A VEHICLE OVER 10 YEARS OF AGE ON FIRST REGISTRATION

17 NOVEMBER 2011

#### Report of the Licensing Manager

##### PURPOSE OF REPORT

Mr Christopher Lee is the proprietor of a hackney carriage licensed by Lancaster City Council. He has made an application to replace his existing vehicle with a vehicle which is over 10 years of age. The purpose of this report therefore is to enable Members to consider the request.

The report is public

##### RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicants request for a replacement vehicle which is over 10 years of age on initial licensing.

##### 1.0 Introduction

1.1 Under Section 68 of the Town Police Clauses Act 1847 a District Council may attach to the grant of a licence of a Hackney Carriage such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

1.2 For the purpose of the above, the Council has established conditions attached to the grant of a hackney carriage licence.

1.3 The standard licence condition provides that:

Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council's designated testing station every 4 months.

- 1.4 On 8<sup>th</sup> November 2011 Mr Lee applied to replace his existing hackney carriage, HV284, with a replacement vehicle.
- 1.5 The replacement vehicle is a Peugeot 406 and was first registered with the DVLA on the 10<sup>th</sup> April 2001. Any vehicle over 10 years of age on initial licensing, in line with the condition above, must be referred to the Licensing Regulatory Committee for approval.
- 1.6 Mr Lee has been invited to attend the meeting to make representations. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

## **2.0 Conclusion**

- 2.1 Members are asked to consider whether they are satisfied to allow the applicants request to licence a hackney carriage vehicle over 10 years of age.
- 2.2 Should members be minded to allow this application the vehicle will be required to pass the vehicle compliance test at the Council's Vehicle Maintenance Unit prior to licensing.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

### **FINANCIAL IMPLICATIONS**

Financial Services have not been consulted as there are no financial implications.

### **LEGAL IMPLICATIONS**

Any person aggrieved by a condition attached to a hackney carriage licence has a right to appeal to the Magistrates Court within 21 days of the grant of the licence.

### **BACKGROUND PAPERS**

None

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