



## **LICENSING COMMITTEE**

|                   |                |
|-------------------|----------------|
| Date Written      | 1st June 2021  |
| Report Author     | Aneurin Hughes |
| Exempt/Non Exempt | Non-Exempt     |
| Committee Date    | 9th June 2021  |

*To: Chair, Ladies and Gentlemen*

### **Trwydded Cerbyd Hurio Preifat / Private Hire Vehicle Licence**

**Enw / Name : Evan Joseph Shepherd**

#### **1.0 SUMMARY OF THE REPORT**

- 1.1 An application has been received from Mr Evan Shepherd to licence a Mercedes-Benz Vito, registration number YR 17 AOE, as a Private Hire vehicle. The vehicle was first registered on the 3<sup>rd</sup> May 2017. As the vehicle is over 4 years old, the licence can only be issued if Planning, Regulatory & Licensing Committee determine to Grant a Hackney Carriage Vehicle licence for this vehicle.
- 1.2 Mr Shepherd has also applied to the Licensing Authority to waive the Condition in relation to the Door Stickers that must be applied to every licensed Private Hire Vehicle.

#### **2.0 RECOMMENDATIONS that**

- 2.1 That the Licensing Sub-Committee consider Mr Shepherd's application and ask appropriate questions in order that their findings can be addressed to the Planning, Regulatory and Licensing Committee for their consideration and determination in whether to Grant the Private Hire Vehicle Licence and whether to waive Condition 6.4 of the Private Hire Vehicle Conditions.

### **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 Mr Shepherd is a licensed Hackney Carriage & Private Hire Driver and Private Hire Operator with this Authority.
- 3.2 Mr Shepherd made an application on 12th May 2021 to this Authority to licence a Mercedes-Benz Vito as a Private Hire vehicle, registration YR 17 AOE. A copy of this application is attached at **Appendix A** to this Report.
- 3.3 Mr Shepherd has advised the Licensing Authority that the reason the application was not made prior to the 4<sup>th</sup> anniversary of the vehicles first registration was due to insurance issues. A copy of his Vehicle Declaration Form is attached at **Appendix B** to this Report.
- 3.4 Members should note that the vehicle was first registered on the 3<sup>rd</sup> May 2017, and the application was submitted on the 12<sup>th</sup> May 2021, meaning that it fell outside the 4-year age limit by a matter of 9 days.
- 3.5 Mr Shepherd has also submitted a request that the vehicle be exempt from the requirement laid out in Condition 6.4 of the Private Hire Vehicle Licence Conditions, which states: -

***6.4 The door stickers provided by the Council shall be affixed on the drivers and front passenger side doors indicating that the vehicle is licensed by the Council, by showing the licence number of that vehicle in the Council approved format. The use of magnetic devices is not allowed.***

A copy of this request is attached at **Appendix C** to this Report.

- 3.6 As part of the application procedure, Mr Shepherd has had the vehicle tested at the Council's approved testing station on the 9<sup>th</sup> April 2021, where it passed the MOT and Plating Tests. A copy of these certificates is attached at **Appendix D** to this Report.
- 3.7 Members should note that the vehicle was tested by Mototech, our approved testing station, on the 9<sup>th</sup> April 2021, meaning it was tested 24 days prior to the 4<sup>th</sup> anniversary of its first registration.
- 3.8 A copy of the Council Private Hire Vehicle Conditions are attached at **Appendix E** to this Report.

### **4.0 POLICY**

- 4.1 This Council has adopted a Taxi Licensing Application Policy. Of particular relevance is the following paragraph in relation to Private Hire Vehicle Licences:

- Applications will only be accepted for vehicles which are any colour other than black and are under 4 years old from first registration/ manufacture at the time of the initial application. The age restriction shall not apply to renewal of vehicle licences provided the application to renew is made prior to the expiry of the existing licence.

## 5.0 CASE LAW

### 5.1 Exeter City Council v Sandle (2011) –

A Hackney Carriage licence was capable of renewal in the sense envisaged by the Local Government (Miscellaneous Provisions) Act 1976 s.60 after the expiration of the one-year period prescribed by the Town Police Clauses Act 1847 s.43. There was no particular period in which it would cease to be capable of renewal but an application received two or three days late would require very good reasons for the delay for it to be entertained by a local authority; delay beyond that would require **exceptional circumstances**.

## 6.0 FINANCIAL IMPLICATION(S)

### 6.1 None.

## 7.0 EQUALITY IMPACT ASSESSMENT

### 7.1 It has been identified that an Equality Impact Assessment (EqIA) is not required for the purpose of this report. Please contact the author for details of this decision.

**ELLIS COOPER**  
**INTERIM CHIEF EXECUTIVE**

**CLLR TONY ROGERS**  
**PORTFOLIO MEMBER FOR HOUSING &**  
**PUBLIC PROTECTION**

| <b>BACKGROUND PAPERS</b>   |                         |                          |
|--|-------------------------|--------------------------|
| <b>Title of Document(s)</b>  | <b>Document(s) Date</b> | <b>Document Location</b> |
|  |                         |                          |
| <b>Does the report contain any issue that may impact the Council's Constitution?</b> |                         | <b>No</b>                |