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Angela Hutchings
Chief Executive

AGENDA

Committee:	LICENSING SUB-COMMITTEE
Date and Time:	Thursday, 15th December, at 11:00
Venue:	Council Offices, Committee Room 1
Membership:	Councillors Egan, Greig and Palmer
Officers attending:	Amaka Ozono – Corporate Legal Adviser Melanie Harris - Head of Licensing & Safer Communities
Committee Enquiries:	Loretta Hill, Ext. No. 2427

PART I **(Business to be taken in public)**

- 1. Appointment of Chairman**
- 2. Procedure for the Sub-Committee**
- 3. Appeal against refusal to licence a Hackney Carriage vehicle beyond 10 years old – Applicant T**

The report of the Head of Licensing and Safer Communities is attached.

- 4. Decision**

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PROCEDURE FOR HEARING

1. Introductions

- a. Chairman introduces Panel Members to the applicant.
- b. Chairman identifies officers and their roles.
- c. Applicant identifies themselves, any representative and any accompanying persons. They also identify who intends to present the case.
- d. Objector(s) to be identified.

2. Case Summary by the Head of Licensing and Safer Communities

As shown at Agenda Item 3.

3. Objector(s) presents objection(s)

4. The Applicant's Submission

The applicant or their representative will submit their case

5. Questions from Panel

Opportunity for any questions from Panel to either side.

6. Adjournment

Proceedings will be adjourned while the Panel withdraw to consider its decision. During this time the Clerk will accompany the Panel to record the decision. The Committee may request the presence of the Legal Advisor to give them legal advice.

7. Decision

The Panel will reconvene, and the Chairman will announce the decision.

8. Conclusion

The Chairman will close the proceedings.

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LICENSING SUB COMMITTEE

15 December 2022

Subject: Appeal against refusal to licence a Hackney Carriage vehicle beyond 10 years old – Applicant T

Report of: Head of Licensing and Safer Communities

1. Purpose of Report

To process the appeal made by applicant T against the refusal by the Council to licence a Hackney Carriage vehicle beyond 10 years old.

2. Background

Applicant T contacted the Licensing Department in November 2022 to request that his vehicle licenced as a Hackney Carriage be allowed to continue to be licenced beyond 10 years old.

The Council refused to grant this request and Applicant T was informed that the Hackney Carriage licence could be retained by him but that the plates would need to be removed from that vehicle when it became 10 years old and it would no longer be able to be used for hire and reward. A replacement vehicle would need to be provided at that point.

Applicant T submitted an appeal on 3 December 2022. This is attached at Appendix 1.

The Council's Hackney Carriage and Private Hire Vehicle Policy stipulates that: Non wheelchair accessible vehicles will not be renewable once they have reached ten years of age. Wheelchair accessible vehicles can be up to fifteen years old.

It also states that where a vehicle is in exceptional condition the Council's "Exceptional Condition Policy" may apply.

The term "exceptional condition" is used to describe vehicles which are over the age limit set by the council, but that can continue to be licensed because of their special condition. The following specification included is a guide to suggest the type of vehicles that the Council will consider:

Date licenced as Hackney Carriage	June 2019
CO2 Emissions	119 G/KM
Fuel Type	Diesel
Mileage at MOT 24/09/2022	100,312 miles

No specialist reports or further information have been provided in support of the request.

The Sub-Committee is reminded that to be renewed the vehicle must uphold the image and standards set by a younger vehicle and it is not accepted that this type and model and particular vehicle does uphold this standard as it has travelled in excess of 100,000 miles. Part 2 of the above states that the mechanical condition must show no item that may show the age of the vehicle. In the case of this particular vehicle the high mileage is an item which shows the age of the vehicle and gives rise to a reason to not renew the HC licence.

3. Legal implications

Decisions in relation to the grant of a licence give rise to the obligations under the Human Rights Act 1998. The Council will therefore ensure that there is a review hearing before the Licensing Sub-Committee. It should be noted that Applicant T has the right to appeal the decision made by the Council to the Magistrates Court if he is aggrieved by the decision of the Sub-Committee.

4. Options

The Sub-Committee is advised that it has the following options when determining this application.

- (i) Uphold the decision to refuse to licence the vehicle beyond 10 years old as a Hackney Carriage.
- (ii) Allow the vehicle to be licenced beyond 10 years old

Recommendation

The decision of the Sub Committee is required following proper consideration of the application and any representations made to the Sub Committee.

Appendix 1 - Letter of appeal

Background Papers:

Hackney Carriage and Private Hire Licensing Policy
Local Government (Miscellaneous Provisions) Act 1976

From: .>
Sent: 03 December 2022 19:32
To: Licensing
Subject: Notice of appeal plate number 140 Blue Skoda Octavia K3 WRT

Good evening licensing team,

My name is

I have recently applied for my current vehicle CPBC Plate number 140 to be reviewed for exceptional vehicle condition, thus enabling it to continue to be a licensed taxi within Castle Point, as it is approaching 10 years old on the 12/12/2022.

It was agreed by Neil Gale licensing enforcement officer, that the car is in exceptional condition and meets all the criteria set out by the council, but based on Neil's personal opinion or discretion, he point blanked refused to allow the taxi to be extended beyond the 10 years stating that it's 10 years old and the licensing department have never allowed one in he's time at the council to operate beyond the 10 years, and that it also wouldn't be fair as he would have to do this for everyone.

I would like to think that each case has its own merits and should be judged accordingly on its own individual basis and not as a collective one. It clearly states in the bye laws that this is an accepted practice to prolong the life of the vehicle.

I would also like to add that I will be retiring within 1-2 years, so this will cause a considerable amount of expenditure for just 1-2 years driving. Therefore I would like to ask the head of licensing to reconsider Neil's verdict and extend the vehicle's taxi life for a further 1-2 years, if a satisfactory verdict cannot be reached, I would like to appeal the decision in front of the licensing committee at your earliest convenience.

VEHICLE DETAILS : Blue Skoda Octavia
K3 WRT
PLATE NUMBER : 140

Kind Regards

Sent from my iPhone