

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	LICENSING SUB-COMMITTEE – 23rd November 2022
Report Number	AGENDA ITEM I
Subject	PRE APPLICATION PROPOSAL FOR A PRIVATE HIRE LICENCE
Wards affected	All
Accountable member	Planning and Licensing Committee
Accountable officer	Kevin Dunford - Licensing Officer Tel: 01285 623000 Email: kevin.dunford@publicagroup.uk
Summary	To consider the pre application proposal for a Private Hire Vehicle Licence.
Annexes	Annex A – Copy of Proposal Annex B – Copy of the Cotswold District Council Hackney Carriage and Private Hire Licensing Policy 2021
Recommendation	That the Licensing Sub-Committee determines the proposal to issue a Private Hire Vehicle Licence
Corporate priorities	Ensure that services delivered by the Council are delivered to the highest standard
Key Decision	No
Exempt	No
Consultees/ Consultation	None

1. BACKGROUND

- 1.1.** Mr Sebastian D'Avanzo of 13 Station Meadow, Bourton-on-the-Water, Cheltenham, Gloucestershire, GL54 2HG has contacted us to consider a proposal before application. The vehicle will be over the required 5 years age limit for a new vehicle to be licensed.

A copy of the proposal can be found at Annex A. Mr D'Avanzo has held a Drivers Licence with Cotswold District Council since 25th March 2022

2. MAIN POINTS

- 2.1.** Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") provides that Cotswold District Council is charged with the duty of issuing Private Hire Vehicle Licences.
- 2.2.** The Act states that 'provided that a district council shall not grant such a licence unless they are satisfied;
- a. That the vehicle is –
 - Suitable in type, size and design for the use as a Private Hire Vehicle
 - Not of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
 - In a suitable mechanical condition
 - Safe, and
 - Comfortable
 - b. That there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of the Part IV of the Road Traffic Act 1988.
- 2.3.** Cotswold District Council's Hackney Carriage and Private Hire Licensing Policy (October 2021) requires all vehicles to be under 5 years of age when first licenced
- 2.4.** The application has been referred to the Licensing Sib-Committee for determination as the vehicle departs from the age limit and is not deemed to fall under the list of exempt vehicles as detailed at section 5.2 of the policy which states;

5.2 Age policy for vehicles

A new application for a Hackney Carriage or Private Hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration.

An application to change the vehicle licensed as a Hackney Carriage or Private Hire vehicle will be refused if a vehicle is more than 5 years old from date of first registration.

An application to renew a Hackney Carriage or Private Hire vehicle will be refused if the vehicle is more than 15 years old from date of first registration.

Wheelchair accessible vehicles will be exempt from the above policy.

Licensing Officers have the discretion to licence a vehicle that does not meet the above age policy 17 Vehicles in the case of elite vehicles such as purpose built Hackney Carriage cab, Rolls Royce or similar provided the vehicle is in excellent condition.

Any such requests for licensing a vehicle should be made in writing by email.

3. FINANCIAL IMPLICATIONS

- 3.1. An applicant has the right of appeal to the Magistrates' Court if the application is not granted. Any appeal to the Magistrates' Court could result in the Council having to bear the legal costs to defend its action.

4. LEGAL IMPLICATIONS

- 4.1. The Council is charged with the statutory duty of issuing Private Hire Vehicle Licences

5. RISK ASSESSMENT

- 5.1. The Council has a duty to ensure public safety through its licensing regime and is required to satisfy the vehicles are fit for purpose.

6. BACKGROUND PAPERS

Cotswold District Council's Hackney Carriage and Private Hire Licensing Policy (October 2021)

(END)