
Meeting: Licensing Committee
Date: 13 November 2013
Subject: Applications for Vehicles in Exceptional condition.
Report of: Marcel Coiffait – Community Services Director
Summary: To approve a change in the current practice of Members determining whether or not a vehicle is in exceptional condition in view of its age.

Contact Officer: Margaret James, Licensing Enforcement Officer

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Financial:

Fees are payable for this type of licence, the fees being charged represent the cost of the Council of producing this type of licence.

Legal:

Local Government (Miscellaneous Provisions) Act 1976.
Town Police Clauses Act 1847.

Risk Management:

Ensuring that Hackney Carriage and Private Hire vehicles operating in Central Bedfordshire are safe and properly regulated.

Staffing (including Trades Unions):

There are no staffing implications.

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicles, conditions attached to licences ensure that this duty is met.

Community Safety:

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of sufficient numbers of taxis is a key component of reducing crime and disorder problems linked to the night time economy and licensed premises. In addition, it is essential to ensure that the public, and particularly more vulnerable members of the community, are not left without safe transport options which may lead them to take decisions which put their safety at risk.

Sustainability:

By regulating this service area we can ensure that those businesses that are compliant can be supported and resources can be focused at those businesses that will not comply.

RECOMMENDATION:

- 1. That an application for a vehicle of 'exception condition' be permitted to be determined by the Licensing Officer using the 'exceptional condition' guidelines.**

Background

01. The Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
02. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.
03. The conditions attached to hackney carriage and private hire vehicles state that all new hackney carriages and private hire vehicles must be under 5 years of age from date of first registration when new. Vehicles currently licensed as hackney carriages/private hire vehicles will be permitted to be relicensed annually provided they pass the mechanical inspection, but any replacement vehicle will be required to meet all requirements.'
04. Any Council which imposes an age limit on its vehicles must be prepared to consider applications where the condition of the vehicle is deemed as being so exceptional as to merit waiving normal policy.
05. Applicants aggrieved by the Council's refusal to grant a hackney carriage licence are entitled to appeal to the Crown Court.

Applicants aggrieved by the Council's refusal to grant a private hire vehicle licence are entitled to appeal to the Magistrates Court.

Definition of 'Exceptional Condition'.

06. On 25 August 2010, Members of the Regulation Committee resolved that each application for a vehicle in exceptional condition be determined by applying a set of 'exceptional condition' guidelines as shown below.

A vehicle of exceptional condition where the components i.e. mechanical, body panels, paint, interior and trim are maintained to a high standard of repair as supported by relevant certification and exceed those normally associated with the age of the vehicle as determined by the following guidelines:

- (a) The vehicle must pass the Council's vehicle inspection.
 - (b) The bodywork should be in near perfect condition with no signs of age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
 - (c) The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
 - (d) The interior trim, panels, seating and carpets should be in excellent condition clean, free of damage and discoloration.
 - (e) The vehicle service record can be used as supporting evidence of exceptional condition in that the vehicle would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.
 - (f) An independent vehicle date check can be used as supporting evidence of the vehicle's history.
07. It is the current practice for Members of the Licensing Committee to determine whether a vehicle is in an exceptional condition by carrying out a visual inspection of the vehicle prior to applying the 'exceptional condition' criteria.
08. The Licensing Committee meets approximately every three months. Some applicants have expressed their disapproval in having to wait for a decision to be made on whether or not their vehicle can be considered as in an exceptional condition.
09. Since resolving to adopt the 'exception condition' criteria, Members have determined twenty two applications. Members may feel, therefore, that their time could be better spent on other matters.
10. Members may prefer that the Licensing Officers use their discretion to determine such applications, using the exceptional condition criteria.

Appendices:

None

Background Papers:

None

Location of papers:

Watling House, Dunstable

