



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

AGENDA

Committee:	LICENSING SUB-COMMITTEE
Date and Time:	Monday, 21 October 2019 at 11.00am.
Venue:	Council Chamber
Membership:	Councillors E. Egan, Greig and Skipp
Officers attending:	Mel Harris - Head of Licensing & Safer Communities Andrew Smith – Corporate Legal Adviser
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 grant a Private Hire Driver's Licence – Applicant C**
The report of the Head of Licensing and Safer Communities is attached.
- 4. Decision**

Agendas and Minutes can be viewed at www.castlepoint.gov.uk
Copies are available in larger print & audio format upon request
If you would like a copy of this agenda in another language or alternative format:
Phone: 0207 520 1431 or email translations@languageline.co.uk



LICENSING SUB-COMMITTEE

PROCEDURE FOR TAXI DRIVER APPEAL

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.

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

As shown at Agenda Item 3.

3. The Applicant's Submission

The applicant or their representative will submit their case

4. Questions from Panel

Opportunity for any questions from Panel to either side.

5. 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.

6. Decision

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

7. Conclusion

The Chairman will close the proceedings

LICENSING SUB COMMITTEE

21 October 2019

Subject: Appeal against refusal to renew a Private Hire Vehicle Licence – Applicant C

Report of: Head of Licensing and Safer Communities

1. Purpose of Report

To process the appeal made by the applicant C against the refusal by the Council to renew a Private Hire Vehicle Licence.

2. Background

Applicant C attended the Licensing Department in September 2019 to apply to renew a Private Hire Vehicle Licence. After inspection of the vehicle the Council refused to grant the application because the vehicle is more than 10 years old.

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:

A vehicle of "exceptional condition" is one where the components i.e. mechanical, body panels, paint and trim are in an exceptional condition with regard to the age of the vehicle. It is essential that the image of an exceptional older vehicle upholds the standards normally set by a much younger vehicle.

Key items that will be considered when determining whether or not a vehicle meets the standard expected of vehicles in "exceptional condition" are set out below:

- 1 The underside condition of the vehicle does not show any signs of rusting, age, or deterioration.
- 2 Mechanical condition is such that there should be no item that may show age, deterioration or cause or contribute to a less than safe, comfortable passenger ride.
- 3 Bodywork should be in near perfect condition with no signs of panel age deterioration, dents or any other abrasion that may detract from the overall appearance of the vehicle.
- 4 General paint condition should not show signs of fading, discolouration or mismatching and retain a finish generally found on much younger vehicles.
- 5 Interior trims, panels, seating and carpets etc should be of a condition that is free from frayed, discoloured, faded or torn components.
- 6 The passenger compartment should be free from damp or any other odours that may cause passenger discomfort.

The decision on whether or not a vehicle can continue to be licensed under the proviso that it is in “exceptional condition” has to be judged strictly by the licensing team. It should be noted that where vehicles are renewed and they are over ten years old MOTs must be passed on a four month rolling basis and must be supplied to the Licensing Team.

The vehicle which is non wheelchair accessible is as detailed below:

Plate Number	139
Vehicle Make	Volkswagen Passat
Colour	Silver
Vehicle Reg	V3 LOX
Date of first registration	March 2009
Cylinder capacity (cc)	1968
CO2Emissions	153 g/km
Fuel Type	Diesel
Mileage 26/9/19	131,867 miles
Next MOT	25/9/20

On 27 September 2019 Applicant C applied for a renewal of the vehicle. The vehicle was inspected by the Licensing Team and it was found to be over ten years old and not a special vehicle or in a special condition. Applicant C appealed the decision in writing on the same day. (Appendix 1.)

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 130,000 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 the reason to not renew the PHV 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 C 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 renew the Private Hire Vehicle Licence.
- (ii) Renew the Private Hire Vehicle Licence.

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

http://www.legislation.gov.uk/ukpga/1976/57/pdfs/ukpga_19760057_en.pdf

27/9/19

F.A.O. The Licensing Head Office
C.P.B.C Licensing.

Plate Number. 139 H.C. Vehicle Volkswagen
Passat 2.0. 6di
Reg. No. V3LAX.

I wish to Appeal your decision regarding the
above vehicle, and take it to the next
licensing Committee Meeting, look forward to
hearing from you about the date.

Regards



