

REQUEST FOR A REVIEW OF GUIDELINES ON THE ASSESSMENT OF VEHICLES

Licensing Board – 25th July 2017 at 10 a.m

Report Author **Jade Malyn Licensing Officer**
 Portfolio Holder **Cllr Lin Fairbrass Community Services**
 Status **For Decision**
 Classification: **Unrestricted**
 Ward: **All**

Executive Summary:

To consider a request to overturn a decision of Officers to refuse to licence a vehicle that did not comply with the Council's Guidelines on the assessment of vehicles to be licensed as hackney carriages or private hire vehicles

Recommendation(s):

The instructions of the Board are requested

CORPORATE IMPLICATIONS

Financial and Value for Money	None
Legal	<p>There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Board with regard to the refusal of a licence.</p> <p>The Licensing Board must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Convention on Human Rights. The Licensing Board must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.</p>
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

1.0 Introduction and Background

- 1.1 Vehicles to be licensed as private hire and hackney carriage vehicles must undergo examination by Licensing Officers, being subject to compliance with the Council's 'Guidelines on the assessment of vehicles to be licensed as hackney carriages or private hire vehicles'.
- 1.2 These Guidelines were drawn up and agreed by the Licensing Board many years ago to assist Officers and Members when considering applications for hackney carriage and private hire vehicle licences. These Guidelines have been amended as and when the Licensing Board deemed it appropriate.
- 1.3 In April 2009 the Licensing Board considered a report in respect of tinted windows. The Board decided to amend the Guidelines and a copy of page 1, paragraph 2 (d) of the Guidelines is appended to this report at Annex 1.
- 1.4 Vehicles must, of course, comply with all statutory requirements and with the Council's conditions attached to hackney carriage or private hire vehicle licences.

2.0 General Points

- 2.1 A letter has been received from Mr B, a licensed private hire driver, requesting that Members re-consider a decision regarding the refusal by a Licensing Officer to issue Mr B with a private hire vehicle licence for a Peugeot 407 estate vehicle. A copy of the correspondence with the Regulatory Services Manager is appended to this report at Annex 2.
- 2.2 Mr B brought his vehicle for a visual examination on the 11th May 2017, to assess its suitability to be licensed as a private hire vehicle. A Licensing Officer examined the vehicle and failed the visual, in effect refusing to licence the vehicle, on the grounds that it failed to comply with the Guidelines, paragraph 2 (d). A copy of the visual inspection document is appended to this report at Annex 3.
- 2.3 Members will note from the correspondence at Annex 1 that the Regulatory Services Manager has been unable to resolve this matter subsequently with Mr B.
- 2.4 Council Officers always advise prospective new vehicle applicants and existing licensed drivers to consult with Officers before they commit themselves to purchasing vehicles to be licensed. Mr B has been a licensed driver since 2000.
- 2.5 The reasons for the tinting requirements are public safety, which includes driver safety, and Members will note that this is dealt with in the correspondence at Annex 2.

3.0 Options

- 3.1 To retain the status quo.
- 3.2 To revise the Guidelines.

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Reporting to:	Philip Bensted, Regulatory Services Manager ext 7630

Annex List

<i>Annex 1</i>	<i>Guidelines on the assessment of vehicles</i>
<i>Annex 2</i>	<i>Correspondence</i>

<i>Annex 3</i>	<i>Visual inspection document</i>

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

