



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**WEST OXFORDSHIRE DISTRICT COUNCIL**

Name and date of Committee	<b>LICENSING SUB COMMITTEE – 27 JANUARY 2022</b>
Report Number	<b>Agenda Item 6</b>
Subject	<b>APPLICATION FOR A HACKY CARRIAGE VEHICLE LICENCE</b>
Wards affected	ALL
Accountable member	Councillor MacRae, Cabinet Member for Environment Email: <a href="mailto:norman.macrae@westoxon.gov.uk">norman.macrae@westoxon.gov.uk</a>
Accountable officer	Andrea Thomas, Licensing Officer Tel: 01993 861000 Email: <a href="mailto:andrea.thomas@publicagroup.uk">andrea.thomas@publicagroup.uk</a>
Summary/Purpose	To consider an application for a Hackney Carriage Vehicle Licence submitted by David Smart
Annexes	ANNEX A – APPLICATION, INSURANCE, MOT AND V5 ANNEX B – PHOTOS OF VEHICLE ANNEX C – STATEMENT FROM APPLICANT
Recommendation/s	That the Sub-Committee determines the application for a Hackney Carriage Vehicle Licence
Corporate priorities	Ensure that services delivered by the Council are delivered to the highest standard.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Not applicable

## 1. BACKGROUND

An application for a Hackney Carriage Vehicle licence has been received from Mr David Smart of 70 Dunstan Avenue, Chipping Norton, OX7 5LX

The vehicle for which the licence is requested will be over the required 5 years age limit for a new vehicle to be licensed. The vehicle was originally licensed by West Oxfordshire but this expired on the 28 October 2021.

A copy of the application form and supporting documents can be found at Annex A, along with photos of the vehicle at Annex B.

Mr Smart has held a Dual Drivers Licence with West Oxfordshire since 11<sup>th</sup> April 2019 and he works for himself. He has provided a written statement of why he would like the vehicle licenced which is attached at Annex C.

## 2. MAIN POINTS

2.1. That the Sub-Committee determines whether or not to allow a Hackney Carriage Vehicle Licence to Mr David Smart in light of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847, the Council's Policy and such evidence as may be submitted at the meeting

2.1.2 West Oxfordshire District Council's Hackney Carriage and Private Hire Licensing Policy (October 2021) requires all vehicles to be under 5 years of age when first licensed. There is an upper age limit of 15 years.

2.1.3 The application has been referred to the Licensing Sub-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;

### ***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 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 duty of issuing Hackney Vehicle Licences. Under the Town Police Clauses Act 1847 the Council must be satisfied that the vehicle is suitable for use as a Hackney Carriage Vehicle.

### **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**

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

Local Government (Miscellaneous Provisions) Act 1976.

Road Traffic Act 1988.