

## **The Vale of Glamorgan Council**

### **Public Protection Licensing Committee: 8 January 2019**

#### **Report of the Director of Environment and Housing**

### **Application to Waive the Vale of Glamorgan Council's Age Policy Guidelines for the Grant of a Hackney Carriage Vehicle Licence Skoda Octavia SE TDI CR**

#### **Purpose of the Report**

1. To consider a request by Miss Barbara Merry to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of a Hackney Carriage Vehicle Licence application for a Skoda Octavia SE TDI CR 5 Door Hatchback Diesel.

#### **Recommendations**

1. Members are requested to determine whether to grant the request to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of this application.
2. Members must consider any representations made by Miss Merry.
3. Section 46 of the Local Government (Miscellaneous Provisions) Act 1976 applies to this case as set out in Section 10 below.

#### **Reason for the Recommendations**

To advise Members of the options available to them.

#### **Background**

4. The Committee has adopted Age Policy Guidelines in respect of the age of vehicles at first licensing. The Age Policy Guidelines have been in operation for a number of years and were last revised on 5 November 2013 when the class of vehicle to which the policy applies was simplified.
5. Class One requires that the vehicle must be less than five years old to have a licence granted. This vehicle falls within the Class One category and the date of first registration for this vehicle is 1 September 2012 making it 6 years and 3 months old at the time of application.

## **Relevant Issues and Options**

6. On 14 December 2018 Miss Merry submitted an application for a Hackney Carriage Vehicle Licence for the above-mentioned vehicle. The application was accompanied by a written request asking that consideration be given to waiving the age policy guidelines.
7. If Members are minded to approve the waiver of Age Policy Guidelines in respect of this vehicle, the vehicle must be presented for testing at the Alps Depot. A licence will only be issued from the date the vehicle receives a satisfactory pass certificate.

## **Resource Implications (Financial and Employment)**

8. Resources directed to the administration and enforcement of the Taxi Licensing function may be recovered through Taxi Licensing Fees and Charges.

## **Sustainability and Climate Change Implications**

9. None.

## **Legal Implications (to Include Human Rights Implications)**

10. Section 46 Local Government (Miscellaneous Provisions) Act 1976 applies to the Licensing of hackney carriages.
  - (1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
  - (2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
  - (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

## **Crime and Disorder Implications**

11. Under Section 17 of the Crime and Disorder Act 1998 the Council has a statutory duty to consider crime, disorder and antisocial behaviour implications whilst regulating licensing activities. There are no crime and disorder implications arising from this Report.

## **Equal Opportunities Implications (to include Welsh Language issues)**

12. The Council is obliged to apply its licensing conditions on an equitable basis in the case of all applications.

## **Corporate/Service Objectives**

13. Regulatory Services contribute to the Well Being Outcome 1: "An inclusive and Safer Vale and Objective 2 Providing decent homes and safe communities."

## **Policy Framework and Budget**

14. This is a matter for decision for the Public Protection Licensing Committee.

## **Consultation (including Ward Member Consultation)**

15. None.

## **Relevant Scrutiny Committee**

18. Homes and Safe Communities

## **Background Papers**

None.

## **Contact Officer**

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## **Officers Consulted**

Richard Price, Lawyer, Legal Services 01446 709409

## **Responsible Officer:**

Miles Punter - Director of Environment and Housing