



REPORT OF:	HEAD OF DEVELOPMENT AND REGULATION
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TO:	REGULATORY COMMITTEE
DATE:	29 TH FEBRUARY 2012

AGENDA ITEM NO:	5	WARD(S) AFFECTED:	N/A
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SUBJECT:	APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE
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RECOMMENDATION:

- **To determine the application for a private hire vehicle licence.**

SUMMARY

1. An application has been received Mrs Nicola Poslad-Bow for a private hire vehicle licence under section 48 of the Local Government (Miscellaneous Provisions Act) 1976 for a Chrysler Grand Voyager, Registration Number GL05 RPX.
2. The application is for a vehicle that has not been previously licensed by this Council.
3. This application was received on 7 February 2012. The vehicle registration document included with the application shows that the Chrysler was first registered on 8 July 2005 and is therefore 6 years and 7 months old.
4. The Council has set as a condition that the age of a vehicle when licensed for the first time must be less than 4 years old from date of first registration. This condition is shown on page 3 of the booklet 'Private Hire Vehicles, Drivers and Operators' which is provided to all new private hire applicants. This booklet forms one of the background papers to this report.

FACTORS FOR CONSIDERATION

1. The vehicle was inspected at the Town Hall on 7 February 2012. At the time of inspection the vehicle was in an excellent condition having only covered 43,831 miles from new. Photographs were taken of this vehicle, and are attached as Annex 1. Colour copies will be available on the day of the hearing and the vehicle will be available for viewing in the Town Hall car park.
2. A vehicle inspection report used for exceptional vehicles was also carried out at the Town Hall. No defects were found over the entire vehicle which is, in the inspecting officer's opinion, in exceptionally good condition inside and out. The inspection report together with the full main dealer service history provided by the applicant is attached at Annex 2. The vehicle meets all of the Council's other licensing requirements.

RESOURCE IMPLICATIONS

3. No additional resource implications have been identified for the consideration or grant of this application.

LEGAL IMPLICATIONS

4. Section 48 (7) of the Local Government (Miscellaneous provisions) Act 1976 provides that any person aggrieved by the refusal of a district council to grant a vehicle licence under that section or by any condition specified in such a licence, may appeal to a magistrates' court "within 21 days of a decision from the district council".

STATUTORY POWERS

5. Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a private hire vehicle licence such conditions as they may consider reasonably necessary.
6. On 2nd June 1987 the Health Committee recommended that, with effect from 1st April 1988, all vehicles presented for initial licensing as private hire vehicles shall not be more than four years old prior to the date of application. The relevant section of the minutes of this meeting form part of the background papers.
7. On 25th June 1987 the full Council Committee resolved to approve, adopt and confirm the recommendation of the Health Committee of 2nd June 1987. The relevant section of the minutes of this meeting form part of the background papers.
8. In R v Hyndburn Borough Council, ex pa Rauf & Kasim (1992) the High Court held that a condition could be imposed upon the grant of a hackney carriage or private hire vehicle that no licence would be granted to vehicles over a specified age.
9. The Hyndburn Borough Council case above also held that whilst a Council may have a policy they must not fetter their discretion absolutely and must consider each application on its merits.

CONCLUSIONS

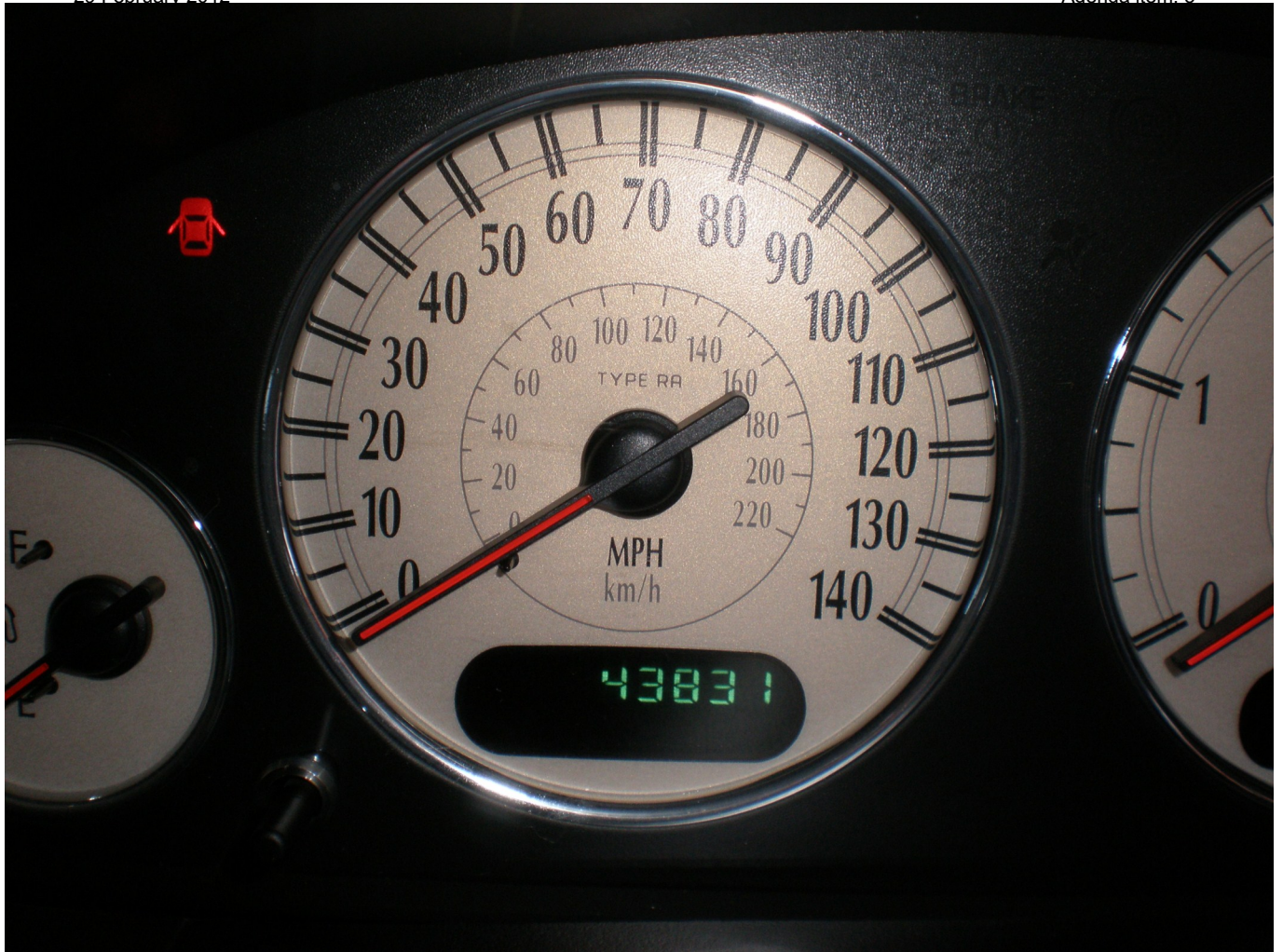
10. The Council may grant or refuse this application.

Background Papers: Private Hire Vehicles, Drivers and Operators' booklet showing the Council's conditions in respect of private hire vehicles
2nd June 1987 Health Committee minutes
25th June 1987 Full Council Committee minutes

Annex 1 Photographs of the vehicle taken on 7 February 2012
Annex 2 Vehicle inspection report from 7 February 2012









Vehicle Inspection Report

GL05 RPX.

Make Chrysler

Applicant Mrs Nicola Postlad - Bow.

Model Voyager

Address [Redacted]

Date of Registration (from V5)

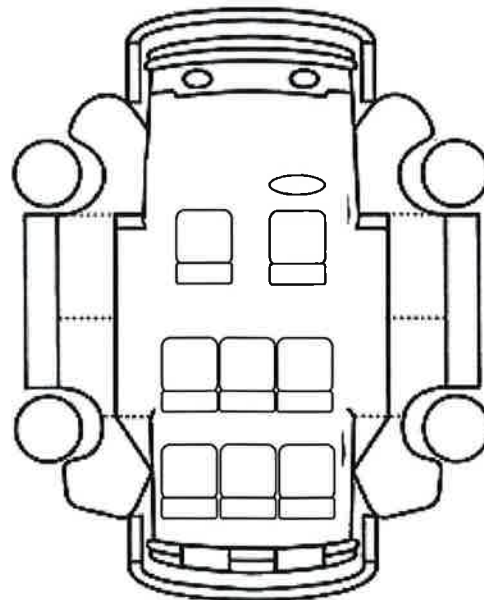
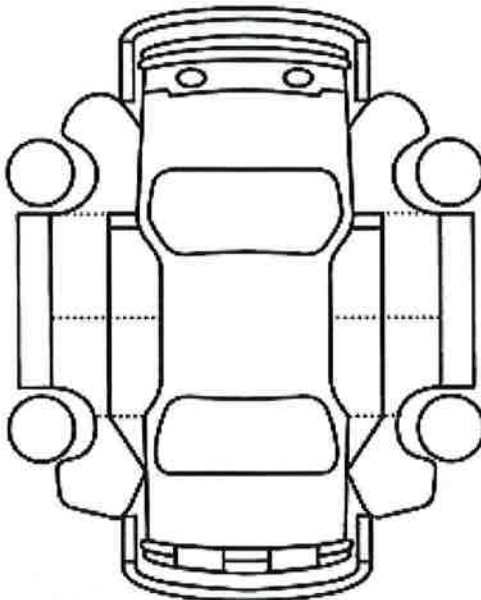
Mileage 43831.

MoT Certificate No. 875888732039 Contact Number

Expiry date 6/2/2013.

- Under 5 years old
- Exec Purpose built Taxi W.A.V
- Bodywork free from damage
- Paint finish
- Exterior Trim
- Wheel Condition
- Visual Mechanical Inspection
- Passenger compartment
- Interior Trim

- Vehicle Photographed
- Boot/luggage compartment
- Free from odour
- Ramps (Taxi & WAVs only)
- Retaining straps (Taxi & WAVs only)
- Demo of use (Taxi & WAVs only)
- Service History Checked
- MoT Checked
- ACCEPT
- REJECT (Attach reasons)



Exterior, show position of marks, bumps, paint defects etc.

Interior, show position of marks, wear, damage etc.

INSPECTING OFFICER [Signature] Signed [Signature] Date 7/2/12

Whitbread Tunbridge Wells
Selling Dealer, **Johns Road**
Stamp **WATFORD** TN14 9NE
Tel: 01832 779449
Fax: 01832 779449
VAT Reg. No. 409 5113

Selling Dealer
Signature *[Signature]*

VIN **1C8CHB1S4SYSS3366**

Make **Grand Voyager**
Model **2-8 Limited**

DATE OF REG.: Day **08** Month **07** Year **05**

Registration No. or License No. **G-LOS RPX**

OWNER: **Mr Phillip W. Peters**

ADDRESS: **[Redacted]**

Telephone
Private
Business

I have provided and explained the following:

- OPERATING MANUAL (Vehicle Handbook)
- VEHICLE
- PRE DELIVERY INSPECTION

CUSTOMER SIGNATURE: _____
DEALER SIGNATURE: *[Signature]*

80f40808

1st Service
Mileage **7631**
Repair Order No. **6642**
Date **24.10.08**

ANTHONY BETTS MOTOR GROUP
WATFORD HILL CRESCENT
WATFORD BUSINESS PARK
WATFORD
HERTS
WD18 8TF
STAMP AND SIGNATURE OF AUTHORIZED DEALER

2nd Service
Mileage **MILES - 20,347**
Repair Order No. **INVOICE - 106641**
Date **13.5.2008.**

STAMP AND SIGNATURE OF AUTHORIZED DEALER

3rd Service
Mileage _____
Repair Order No. _____
Date _____

STAMP AND SIGNATURE OF AUTHORIZED DEALER

4th Service
Mileage **27071**
Repair Order No. **15419**
Date **27/6/09**

Anthony Betts & Co Limited
499 London Road
Hemel Hempstead, Herts HP3 9BG
Tel: 01442 242841
Fax: 01442 242919
VAT No: GB 717 9751 96
Registered in England & Wales No 3609552

STAMP AND SIGNATURE OF AUTHORIZED DEALER

5th Service
Mileage **31466**
Repair Order No. **20234**
Date **18/3/10**

Anthony Betts & Co Limited
499 London Road
Hemel Hempstead, Herts HP3 9BG
Tel: 01442 242841
Fax: 01442 242919
VAT No: GB 717 9751 96
Registered in England & Wales No 3609552

STAMP AND SIGNATURE OF AUTHORIZED DEALER

6th Service
Mileage **34459**
Repair Order No. **19866**
Date **17.01.11**

Horsham Car Centre
AUTHORISED SERVICE
Unit 1 Horsham Trading Estate, Foundry Lane
Horsham RH13 5PX
Tel: 01403 213430 Dealer No 711654
VALID 2012 ONLY
STAMP AND SIGNATURE OF AUTHORIZED DEALER

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7th Service
Mileage _____
Repair Order No. _____
Date _____

STAMP AND SIGNATURE OF AUTHORIZED DEALER

8th Service
Mileage _____
Repair Order No. _____
Date _____

STAMP AND SIGNATURE OF AUTHORIZED DEALER