

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>GENERAL LICENSING COMMITTEE</b>	<b>16<sup>th</sup> July 2013</b>

Report template revised June 2008



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
<b>APPLICATION TO LICENCE A LINCOLN TOWNCAR</b>	<b>REGENERATION, LEISURE AND HEALTHY COMMUNITIES</b>	<b>ANDREW SMITH</b>	

## **SUMMARY AND LINK TO CORPORATE PRIORITIES**

A report on an application for a Private Hire Vehicle Licence.

## **RECOMMENDATIONS**

The Committee is requested to determine the vehicle's suitability to hold a Private Hire Vehicle Licence.

## **DETAILS AND REASONING**

Mr Philip John Hayes of 3 Westwood Road, Leyland PR25 3NS has sought the right of appeal in relation to the above-mentioned vehicle being licensed by the Council.

Mr Hayes's vehicle, a Silver Lincoln Towncar (stretched limousine) (N70 WOW) registered in the United Kingdom on 1<sup>st</sup> June 2002 is approximately fourteen years old; having been built in the USA in about 1999. In accordance with the Council's Policy on vehicle age limits (Appendix 1) it is too old to be licensed as a Private Hire Vehicle, but in accordance with subsection b) of this Policy, Mr Hayes requests the vehicle be given due consideration.

Mr Hayes has been asked to make the vehicle available for the Committee's inspection to ensure that it is given full consideration in determining its suitability as a licensed vehicle.

Prior to the introduction of a Council Policy on vehicle age limits, the licensed vehicle fleet was by and large unregulated, apart from the requirement for a roadworthiness test every six months. However, the council reviewed vehicle conditions following increasing concerns expressed by members of the public and councillors regarding the standard and quality of the vehicles licensed by it. As a result, to improve vehicle standards, the council decided that it was appropriate to introduce a limit on the age of vehicles it would licence.

The introduction of an age limit has resulted in newer vehicles being used and these licensed vehicles are fitted with more recent safety features (e.g. anti-lock brakes, side impact bars, air bags etc.). Vehicle engine management systems are more efficient and environmentally conscious. The service given to passengers has also, therefore, improved.

The Council in looking at applications to re-licence older vehicles, would need to use flexibility so that the authority did not fetter its discretion or act unreasonably. However, the Council has not departed from this policy apart from in exceptional circumstances, or when licensing 'vintage' or 'classic' vehicles.

Members will be aware that similar vehicles of similar ages are currently licensed on the fleet, although stretched limousines have various factors differing them from 'standard' private hire vehicles, e.g. seating configuration, numbers of seatbelts, privacy glass.

The vehicle in question has previously been licensed by the Council (until 31<sup>st</sup> January 2013) since at least 2007.

The vehicle has passed the Council's Roadworthiness test and the certificate is attached as Appendix 2 to this report. Other documents in relation to the vehicle are attached as Appendices 3 (Application Form) and 4 (Insurance Certificate).

For information, Mr Hayes holds Private Hire Driver's Licence PHD149, Private Hire Operator's Licence PHO012 (Sophisticars) and three other Private Hire Vehicle Licences (PHV012, PHV100 & PHV190) (all Lincoln Towncars) with the Council.

Members may wish to take into consideration the condition and safety features of the vehicle, whether any specific contracts of work are dependent upon the use of the vehicle and whether any other exceptional factors contribute to the licensing of the vehicle.

Committee will please consider the vehicle's suitability in light of the above.

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

<b>FINANCIAL</b>	None
<b>LEGAL</b>	Under the provisions of section 48 of the Local Government (Miscellaneous Provisions) act 1976, a Council shall not grant a private hire vehicle licence, unless they are satisfied that the vehicle is: suitable in type, size and design for use as a private hire vehicle; not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage; in a suitable mechanical condition, and, comfortable. Any party at the hearing has a right of appeal to the Magistrates' Court.
<b>RISK</b>	The Committee should be aware of the need to protect the public. On the other hand Committee should also be aware of the applicant's right of appeal to the Magistrates' Court should it be decided to refuse the licence.
<b>THE IMPACT ON EQUALITY</b>	None
<b>OTHER (see below)</b>	

<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

## BACKGROUND DOCUMENTS

- Appendix 1 – Council Policy extract in relation to Vehicle Age Limits.
- Appendix 2 – Roadworthiness Certificate for N70 WOW, passed on 30<sup>th</sup> May 2013.
- Appendix 3 – Application Form for Private Hire Vehicle Licence, submitted 17<sup>th</sup> June 2013.
- Appendix 4 – Insurance Certificate for N70 WOW.