

REPORT TO	DATE OF MEETING
GENERAL LICENSING COMMITTEE	21 January 2014

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
APPLICATION TO LICENCE A KIA SEDONA & APPLICATION FOR AN EXEMPTION TO DISPLAY A PRIVATE HIRE VEHICLE LICENCE PLATE	REGENERATION, LEISURE AND HEALTHY COMMUNITIES	ANDREW SMITH	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

A report on an application for a Private Hire Vehicle Licence, and a report on an application to apply an exemption to display the Private Hire Vehicle Licence plate from the vehicle, if granted.

RECOMMENDATIONS

The Committee is requested to determine the vehicle's suitability to hold a Private Hire Vehicle Licence, and then whether to apply an exemption to the requirement to display the Private Hire Vehicle Licence plate on the exterior of the vehicle.

DETAILS AND REASONING

Mr Robert Hilton of 2 Church Street, Leyland PR25 4XE has sought the right of appeal in relation to the above-mentioned vehicle being licensed by the Council.

Mr Hilton's vehicle, a Silver Kia Sedona (ML05 USJ) registered in the United Kingdom on 31st March 2005 is eight years and eight months old. 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 Hilton requests the vehicle be given due consideration. Mr Hilton's letter of appeal is attached as Appendix 2.

Mr Hilton 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.

The vehicle in question has previously been licensed by the Council (until 19th December 2013) since June 2011.

The vehicle passed the Council's Roadworthiness test on 16th December 2013.

Mr Hilton intends to use the vehicle for executive account work only, and as such also requests Committee consider whether to waive the requirement to display the vehicle plate.

Section 45(5) of the Local Government (Miscellaneous Provisions) Act 1976 requires the Council to issue a licence plate, and the exhibition of the plate is dealt with by a condition attached to the vehicle licence.

Under Section 75(3) the Council can waive the requirement to display the vehicle plate and the driver's badge, by issuing a notice which can be carried effectively in lieu of the plate being displayed. This is common in relation to vehicles used for chauffeur driven/executive hire as opposed to regular private hire bookings. The Council has formally considered such requests before and, in appropriate circumstances, has given approval where it was felt that either the vehicle and/or type of use warranted a notice under Section 75(3).

For information, Mr Hilton holds Private Hire Driver's Licence PHD178, Private Hire Operator's Licence PHO057 (Ambrose Chauffeur Services) and Private Hire Vehicle Licence PHV168 (Silver Mercedes E270) 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.

FINANCIAL	None
LEGAL	<p>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.</p> <p>Under the provisions of section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976, a Council has the right to waive the requirement for a private hire vehicle licence to display the external vehicle licence plate.</p> <p>Any party at the hearing has a right of appeal to the Magistrates' Court.</p>
RISK	<p>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.</p>
THE IMPACT ON EQUALITY	None

OTHER (see below)	
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<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 – Letter from Mr Hilton (Received: 19/12/2013).