

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>GENERAL LICENSING COMMITTEE</b>	<b>9 SEPTEMBER 2014</b>

Report template revised June 2008



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
<b>APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE WHICH DOES NOT MEET THE COUNCIL'S AGE POLICY</b>	<b>REGENERATION, LEISURE AND HEALTHY COMMUNITIES</b>	<b>NIKY BARRETT</b>	

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

A report on an application to licence a Volkswagen Transporter registration J77 TOC which does not comply with the Council's published age policy.

## **RECOMMENDATIONS**

The Committee is requested to determine whether it wishes to depart from its policy and grant a private hire vehicle licence.

## **DETAILS AND REASONING**

Mrs Horrocks of 51 Firbank, Bamber Bridge, PR5 6SU currently holds Private Hire Operators Licence PHO092 in respect of a Touch of Class and Private Hire Drivers Licence PHD042.

Until 31<sup>st</sup> July 2014 she also held Private Hire Vehicle Licence HCV020 in respect of a Volkswagen Transporter registration J77 TOC. This vehicle was first registered in the United Kingdom on 30<sup>th</sup> July 2002.

Appendix A is a letter sent to Mrs Horrocks on 10<sup>th</sup> June 2014 which includes reference to the opportunity to renew HCV020 one last time before 30<sup>th</sup> July 2014 while it would still comply with the age policy. Unfortunately an application was not forthcoming and the licence expired on 31<sup>st</sup> July 2014.

On the 6<sup>th</sup> August 2014 Mrs Horrocks submitted an application to renew PHV020 along with a letter of explanation as to why she had not made the application in good time. (Appendix B) She also submitted a valid roadworthiness certificate for the vehicle dated 5<sup>th</sup> August 2014.

The Council's Policy on vehicle age limits (Appendix C), provides that the vehicle would normally be too old to re-licence but in accordance with subsection b) Mrs Horrocks has requested Committee consider departing from their policy in respect of this vehicle.

Mrs Horrocks has been asked to make the vehicle available for the Committee's inspection.

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.

At the beginning of 2012 the Licensing team conducted a survey among the 387 vehicle proprietors licensed at that time, seeking their views on the Council's age policy.

72 responses were received in total, of which 25 expressed a wish to keep the current limits, 46 wished to see them amended and 1 respondent indicated they had no preference. With only 12% of the trade indicating a desire to remove or extend the current vehicle age restrictions, no further action was taken to review the Council's Policy at that time.

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 readily departed from this policy apart from in exceptional circumstances, or when licensing 'vintage' or 'classic' vehicles.

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 Mrs Horrocks's request 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 A – Letter to Mrs Horrocks dated 10<sup>th</sup> June 2014
- Appendix B – Letter from Mrs Horrocks dated 6<sup>th</sup> August 2014
- Appendix C – Council Policy extract in relation to Vehicle Age Limits