

REPORT TO	DATE OF MEETING
GENERAL LICENSING COMMITTEE	9 SEPTEMBER 2014

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
REQUEST FOR AN EXEMPTION FROM THE COUNCIL'S AGE POLICY IN RESPECT OF 2 PRIVATE HIRE VEHICLES	REGENERATION, LEISURE AND HEALTHY COMMUNITIES	NIKY BARRETT	

SUMMARY AND LINK TO CORPORATE PRIORITIES

A report on a request for the Council to depart from its published age policy and continue to licence the following two Private Hire Vehicles once they are 8 years old - a silver Chrysler 300C registration KP07 WXB and a black Chrysler 300C registration MA07 DXR.

RECOMMENDATIONS

The Committee is requested to determine whether it wishes to depart from its policy and continue to licence these two vehicles if they still meet the Council's other criteria once they reach 8 years of age.

Although not explicit in Mr and Mrs Holland's letter, vehicle registration MA07 DXR benefits from an exemption to display external plates granted 26/10/2010. Assuming that Mr and Mrs Holland wish this exemption to continue (this will be clarified at Committee) Committee is requested also to determine this request.

DETAILS AND REASONING

Mr and Mrs Holland of 4 Greystock Close, Bamber Bridge, PR5 6YS jointly hold Private Hire Operators Licence PHO004. They trade as Chauff/Air and have 2 licensed vehicles, both being Chrysler 3000C models.

Vehicle registration MA07 DXR, was first registered in the United Kingdom on 15th March 2007 and vehicle registration KP07 WXB was first registered in the United Kingdom on 27th March 2007.

In accordance with the Council's Policy on vehicle age limits (Appendix A) both vehicles will be too old to be licensed as a Private Hire Vehicles from August 2015. In accordance with subsection b) of this Policy, Mr and Mrs Holland have requested Committee consider departing from this policy in respect of both of their vehicles. (Appendix B)

Mr and Mrs Holland have been asked to make both vehicles 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.

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.

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 Mr and Mrs Holland'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.

FINANCIAL	None
LEGAL	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. 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. Any party at the hearing has a right of appeal to the Magistrates' Court.
RISK	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.
THE IMPACT ON EQUALITY	None
OTHER (see below)	

<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 – Council Policy extract in relation to Vehicle Age Limits.
- Appendix B – Letter from Mr and Mrs Holland (Dated: 1st August 2014).